FEDERAL REGISTER

VOLUME 13 NUMBER 148

Washington, Friday, July 30, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9982

EXTENDING THE PROVISIONS OF EXECUTIVE ORDER NO. 9870 OF JULY 8, 1947, PRESCRIBING REGULATIONS PERTAINING TO THE GRANTING OF AND ACCOUNTING FOR CERTAIN FOREIGN SERVICE ALLOWANCES AND ALLOTMENTS

By virtue of the authority vested in me by the Foreign Service Act of 1946 (60 Stat. 999) and by section 202 of the Revised Statutes of the United States (5 U. S. C. 156) the provisions of Executive Order No. 9870 of July 8, 1947, prescribing regulations pertaining to the granting of and accounting for certain foreign service allowances and allotments, are hereby extended and continued in effect to and including June 30, 1949.

This order shall be effective as of July 1, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 29, 1948.

[F. R. Doc. 48-6916; Filed, July 29, 1948; 10:20 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 489]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY OF DEPUTY GOVERNOR AND OTHER OFFICIALS TO ACT IN THE ABSENCE OF GOVERNOR; REVOCATION OF ORDER 456

Section 3.1 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.1 *Authority of Deputy Governor and other officials to act in the absence of the Governor.* (a) R. L. Farrington, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence or for any other cause.

(b) T. F. Murphy, Acting Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Farrington are unavailable to act, by reason of absence or for any other cause.

(c) Carl Colvin, Deputy Governor In Charge of Finance and Accounts and Administrative Divisions, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, and Deputy Governor Farrington, and Acting Deputy Governor Murphy are unavailable to act, by reason of absence, or for any other cause.

(d) One of the four commissioners or one of the deputy commissioners in the Farm Credit Administration who is designated by the Governor for such purpose is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Farrington, Acting Deputy Governor Murphy, and Carl Colvin, Deputy Governor In Charge of Finance and Accounts and Administrative Divisions are unavailable to act, by reason of absence, or for any other cause.

(E. O. 6084, Mar. 27, 1933, 6 CFR, 1.1 (m), sec. 80; 48 Stat. 273, 12 U. S. C. 638)

[SEAL] I. W. DUGGAN,
Governor.

Approved: July 26, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6853; Filed, July 29, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 45]

PART 301—DOMESTIC QUARANTINE NOTICES

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE

Pursuant to the authority conferred by section 8 of the Plant Quarantine Act of 1912 as amended (37 Stat. 318,

(Continued on p. 4377)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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as amended; 7 U. S. C. 161) and sections 1 and 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 and 143), §§ 301.45–2, 301.45–3, 301.45–4, 301.45–9 and 301.45–10 of the regulations supplemental to the quarantine on account of the gypsy moth and brown-tail moth (7 CFR 1945 Supp. 301.45 and 301.45–1 et seq.) are hereby amended to read as follows:

§ 301.45–2 *Regulated area.* The following area is hereby designated as regulated:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland, Windham; towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Harford, Norfolk, North Canaan, Plymouth, Salisbury, Sharon, Thomaston, Torrington, Warren, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast, of and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls in Warren County.

Rhode Island. The entire State.

Vermont. Counties of Addison, Bennington, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Croton, Kirby, Peacham, Ryegate, St. Johnsbury, Waterford, in Caledonia County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in Chittenden County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; and the town of Elmore, in Lamoille County.

There are included in the regulated area three classifications of area (a) the suppressive area, (b) the generally infested area, and (c) the brown-tail moth area. These areas are defined as follows:

(a) *The suppressive area:*

Connecticut. Towns of Canaan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, and Warren, in Litchfield County.

Massachusetts. County of Berkshire; and the town of Monroe, in Franklin County.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls, in Warren County.

Vermont. All of Addison County except the towns of Granville and Hancock; towns of Arlington, Bennington, Glastenbury, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, and Woodford, in Bennington County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in Chittenden County; towns of Benson, Brandon, Castleton, Fair Haven, Hubbardton, Ira, Middletown Springs, Pawlet, Pittsford, Poultney, Sudbury, Wells, West Haven, in Rutland County.

(b) *Generally infested area.* All of the regulated area, exclusive of the suppressive area, constitutes the generally infested area.

(c) *Brown-tail moth area.* The area under regulation on account of the

brown-tail moth is the same as that classified as the generally infested area.

§ 301.45–3 *Articles under regulation*—(a) *Prohibited movement.* The movement of living gypsy moths or brown-tail moths, in any stage of development, whether independently or in connection with any other articles, is prohibited, except as provided in §§ 301.45–5 (b) and 301.45–10.

(b) *Regulated movement.* The movement of the following articles is regulated in accordance with the regulations in this subpart:

(1) All timber products, manufactured or unmanufactured, including poles, piles, bark, pulpwood, lumber, excelsior, shavings, and sawdust. Manufactured wood products, such as furniture, containers, and similar articles, except when maintained under conditions of exposure to infestation, are exempt from regulation.

(2) All trees, shrubs, plants, and vines, both deciduous and evergreen, having persistent woody stems, and parts thereof, including Christmas trees, excepting seed and fruit other than cones.

(3) Stone and quarry products.

(4) Any other articles when found on inspection to be infested with the gypsy or brown-tail moths.

§ 301.45–4 *Conditions governing the movement of regulated articles*—(a). *Movement from regulated area.* Unless exempted by administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the regulated areas to or through any point outside thereof unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(b) *Movement from the generally infested area into the suppressive area.* Unless exempted by administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine, regulated articles shall not be moved from the generally infested area into the suppressive area unless accompanied by a valid certificate or limited permit issued by an inspector authorizing such movement.

(c) *Contingent restrictions on movement between points within the suppressive area.* Whenever it is determined by the Chief of Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through infestations resulting from movement into such sections of regulated articles, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45–5 (a) for any or all regulated articles moving into such designated sections from other parts of the suppressive area.

(d) *Articles originating outside the regulated area.* No certificates are required for the movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.45–9 *Cleaning of freight cars, trucks, boats, and other vehicles and containers.* When, in the judgment of the inspector, a hazard of spread of infestation is present, freight cars, conveyances, and containers moved or intended to be moved between points within the regulated area, or from a point within the regulated area to a point outside the regulated area, shall be thoroughly cleaned before or after movement, as directed by the inspector.

§ 301.45–10 *Shipments for experimental and scientific purposes.* Live gypsy moths and brown-tail moths in any stage of development and articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

This modification of §§ 301.45–2, 301.45–3, 301.45–4, 301.45–9, and 301.45–10 shall be effective on and after August 30, 1948, and shall supersede those sections as issued October 4, 1945 (7 CFR 1945 Supp. 301.45–2, 301.45–3, 301.45–4, 301.45–9, 301.45–10)

The primary purpose of this modification is to add new territory to the regulated area and to extend the generally infested area to include certain towns in Vermont now in the suppressive area. A few nonsubstantive changes have been made in the interest of explicitness.

Done at Washington, D. C., this 23d day of July 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6879; Filed, July 29, 1948; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

REPORTS

On June 2, 1948, a notice of proposed rule making was published in the FEDERAL REGISTER (13 F R. 2953) pursuant to the Administrative Procedure Act (60 Stat. 237) regarding proposed amendments to the rules and regulations of the Lemon Administrative Committee, established under the amended marketing agreement and the amended Order No. 53 (7 CFR, Supps., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposed amendments set forth in the aforesaid notice, the Lemon Administrative Committee adopted the amendments to the rules and regulations hereinafter set forth. These amendments relate to reports required to be submitted by each handler and the issuance of Certificates of Assignment of Allotment. The amendments are hereby approved, and they shall become effective 30 days after publication in the FEDERAL REGISTER.

The rules and regulations of the Lemon Administrative Committee are amended as follows:

Delete the provisions in paragraphs (d) (e) (f) and (g) of § 953.106 (7 CFR, 1946 Supp., 953.106 (d), (e) (f) and (g)) and insert in lieu thereof, the following provisions:

§ 953.106 *Reports.* * * *

(d) *Certificates of assignment of allotments.* (L. A. C. Form 6.) Certificates of Assignment of Allotment as provided in section 4 (1) of the amended marketing agreement and in § 953.4 (1) of the amended order shall be issued by all handlers at the time of sale or transfer of any lemons from such handlers. Such certificate shall cover the total quantity of lemons sold or transferred and shall contain the following information: Date lemons are delivered; handler's invoice number when and if available; name of consignee (purchaser or receiver), destination (address of consignee), truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each certificate of assignment of lemons shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it.

(e) *Reports of transfers of allotments.* (L. A. C. Form 7.) Reports of all transfers of allotments shall be made to the Lemon Administrative Committee, by mailing to the committee the original of each Certificate of Transfer of Allotment issued. Such certificate shall be submitted daily by the handler who issues it.

(f) *Weekly report form.* (L. A. C. Form 8) The weekly report required by section 6 of the amended marketing agreement and by § 953.6 of the amended order shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P s. t., Monday of each week, and shall contain the following information: The period covered by the report; the movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; exports (other than to Canada), quantities sold or disposed of to canners or by-product manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions. This report shall be signed by the handler submitting it, or his authorized agent. The reverse side of the report shall contain the following information: the railroad car number, or if shipment is made by truck or other means, the date and number of the Certificate of Assignment of Allotment; the number of packed boxes shipped in interstate commerce and intrastate commerce; if shipments are exported to points other than to Canada the railroad car number, or if shipment

is made to steamship by truck or other means, the number of the Certificate of Assignment of Allotment; the name of the steamship, if any; the destination, and the number of packed boxes.

(g) *Conversion factors.* All lemons shall be reported in terms of packed "boxes" as defined in section 1 (i) of the amended marketing agreement and in § 953.1 (i) of the amended order. Where shipment is made in any form other than in packed boxes the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided,* That the following conversion tables may be used:

One box fresh loose lemons equals 81% of one packed box.

One box by-products lemons equals 63.3% of one packed box.

(48 Stat. 31 as amended; 7 U. S. C. 601 et seq., 7 CFR, Supps., 953.1 et seq.)

[SEAL] C. P. STRICKLAND,
Acting Chairman,
Lemon Administrative Committee.

Approved: July 26, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6859; Filed, July 29, 1948; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 105—HEAD TAX

PART 115—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

PART 132—READMISSION AND TEMPORARY ADMISSION

TERMINATION OF REGULATIONS CONCERNING ADMISSION OF WORKERS UNDER SPECIAL LEGISLATION

JULY 13, 1948.

Title 8, Chapter I, Code of Federal Regulations, is hereby amended by revoking Part 115, Admission of Agricultural Workers under Special Legislation, § 132.5, *Aliens imported to perform labor during wartime,* and § 105.3 (o) *Imported laborers: Provided,* That such revocation shall not affect any proceedings or parts of proceedings instituted before or after such revocation for the purpose of bringing about the deportation or departure from the United States of any alien admitted to the United States under those regulations.

The revocation hereby made shall be deemed to have become effective on January 1, 1948. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because the statutes on which these regulations were based and which are cited in them expired on December 31, 1947.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: July 23, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-6865; Filed, July 29, 1948; 8:51 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 330—GENERAL ORGANIZATION AND FUNCTIONS

OFFICE OF DOMESTIC COMMERCE

Part 330 (15 CFR 1946 Supp., 330.1-330.3; 12 F. R. 2310; 13 F. R. 2511) is further amended as follows:

1. By adding the following at the end of § 330.1 *Creation:* "In adddition, by Department Order No. 18, Amendment 2, of June 30, 1948, the functions of the Office of Small Business have been transferred to the Office of Domestic Commerce."

2. By adding the following at the end of § 330.2 *General purpose and functions:* "In addition to the above, the Office of Domestic Commerce carries out the purposes and functions previously carried out by the Office of Small Business, as set forth in Parts 340 through 342 of the Code of Federal Regulations (15 CFR 1946 Supp., 340.1-340.3; 341.1-341.5; and 342.1) "

(R. S. 161, 5 U. S. C. 22)

[SEAL] H. B. McCOY,
Director
Office of Domestic Commerce.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-6860; Filed, July 29, 1948; 8:50 a. m.]

PART 340—OFFICE OF SMALL BUSINESS; GENERAL FUNCTIONS AND ORGANIZATION

PART 341—OFFICE OF SMALL BUSINESS; FUNCTIONS OF ORGANIZATION UNITS

PART 342—OFFICE OF SMALL BUSINESS; AVAILABILITY OF SERVICES

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For statement of transfer of functions of the Office of Small Business, as set forth in Parts 340, 341 and 342, see amendment of Part 330 of this chapter, *supra.*

PART 356—LOCATION OF FIELD OFFICES

Section 356.1 (12 F. R. 5866) is amended to read as follows:

§ 356.1 *Location.* Field offices are located in the following cities:

Albuquerque, N. Mex., Hanoah Building, 203 West Gold Avenue.

Atlanta 1, Ga., P. O. Box 1595, 418 Atlanta National Building, 50 Whitehall Street SW.

Baltimore 2, Md., 314 U. S. Appraisers' Stores Building, 103 South Gay Street.

Boston 9, Mass., 1600 Customhouse, 2 India Street.

Buffalo 3, N. Y., 242 Federal Building, 117 Ellicott Street.

Butte, Mont., 301A O'Rourke Estate Building, 14 West Granite Street.

Charleston 3, S. C., 310 Peoples Building, 18 Broad Street.

Cheyenne, Wyo., 304 Federal Office Building, Twenty-first Street and Carey Avenue.

Chicago 4, Ill., McCormick Building, 332 South Michigan Avenue.

Cincinnati 2, Ohio, 1204 Federal Reserve Bank Building, 105 West Fourth Street.

Cleveland 14, Ohio, 215 Union Commerce Building, 925 Euclid Avenue.

Dallas 2, Tex., Room 602, 1114 Commerce Street.

Denver 2, Colo., 210 Boston Building, 823 Seventeenth Street.

Detroit 26, Mich., 1038 New Federal Building, 230 West Fort Street.

El Paso 7, Tex., 12 Chamber of Commerce Building, 310 San Francisco Street.

Hartford 1, Conn., 224 Post Office Building, 135 High Street.

Houston 14, Tex., 602 Federal Office Building.

Jacksonville 1, Fla., 425 Federal Building, 311 West Monroe Street.

Kansas City 6, Mo., 2601 Fidelity Building, 911 Walnut Street.

Los Angeles 12, Calif., 1546 U. S. Post Office and Court House, 312 North Spring Street.

Louisville 1, Ky., 631 Federal Building.

Memphis 3, Tenn., 229 Federal Building.

Miami 32, Fla., 947 Seybold Building, 36 Northeast First Street.

Milwaukee 1, Wis., 700 Federal Building, 517 East Wisconsin Avenue.

Minneapolis 1, Minn., 1234 Metropolitan Life Building, 125 South Third Street.

Mobile 10, Ala., 308 Federal Building, 109-13 St. Joseph Street.

New Orleans 12, La., 1503 Masonic Temple Building, 333 St. Charles Avenue.

New York 1, N. Y., Sixtieth Floor Empire State Building, 350 Fifth Avenue.

Oklahoma City 2, Okla., 311 Council Building, 102 Northwest Third.

Omaha 2, Nebr., Room 501 W. O. W. Building, 1319 Farnam Street.

Philadelphia 2, Pa., 719 Pennsylvania Building, 42 South Fifteenth Street.

Phoenix 8, Ariz., 425 Security Building, 234 North Central Avenue.

Pittsburgh 19, Pa., 1013 New Federal Building, 700 Grant Street.

Portland 4, Oreg., 217 Old U. S. Court House, 520 Southwest Morrison Street.

Providence 3, R. I., 203 Custom House, 24 Weybossett Street.

Reno, Nev., Elks Club Building, 50 Sierra Street.

Richmond 19, Va., Room 2, Mezzanine, 801 East Broad Street.

St. Louis 1, Mo., 910 New Federal Building, 1114 Market Street.

Salt Lake City 1, Utah, 503 Post Office Building, 350 South Main Street.

San Francisco 11, Calif., 306 Customhouse, 555 Battery Street.

Savannah, Ga., 218 U. S. Court House and Post Office Building, 125-29 Bull Street.

Seattle 4, Wash., 809 Federal Office Building, 909 First Avenue.

(R. S. 161, 5 U. S. C. 22)

[SEAL] CARLTON HAYWARD,
Director of Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-6862; Filed, July 29, 1948; 8:50 a. m.]

Chapter VI—Office of Technical Services, Department of Commerce

PART 600—GENERAL ORGANIZATION AND FUNCTIONS

PART 601—FUNCTIONS OF THE ORGANIZATION UNITS

PART 602—INFORMATION AND SERVICES AVAILABLE TO THE PUBLIC

MISCELLANEOUS AMENDMENTS

Parts 600, 601 and 602 (12 F. R. 8457) are amended as follows:

1. By changing the last sentence of paragraph (a) of § 600.3 to read as follows: "The Office of Technical Services consists of the Office of the Director; the Analysis Division; and the Library Division."

2. By deleting § 601.2 *Inquiry Division,* § 601.3 *Review Division;* and § 601.4 *Library Division,* and substituting the following therefor:

§ 601.2 *Analysis Division.* The analysis Division is responsible for handling requests for technical information falling within the scope of the functions of the office, and provides the technical staff for the National Inventors Council. It is also responsible for the collection of technical and scientific information from enemy countries, reciprocating foreign governments, and domestic sources; for evaluating or obtaining evaluations of such materials; and for compiling such of this information as is of value to American business and industry into usable form. Specifically, the Analysis Division will:

(a) Provide technical information in response to inquiries relating to specific problems encountered by business and industrial firms and organizations in their actual or proposed physical operations, when such information is available to the Government;

(b) Through the National Inventors Council and in cooperation with the National Military Establishment and other Federal agencies, receive and evaluate inventions and technical suggestions of military or governmental significance and disseminate to American inventors and technical workers interpretative lists of official inventive and technical problems needing solution;

(c) Prepare for distribution to private industry particularly to small business firms, information and materials bearing upon improvements in technical methods;

(d) Maintain, and extend so far as possible, mutually advantageous agreements with foreign organizations for the exchange of information on new technological developments;

(e) Invite the submission of significant technical documents and reports by public and private organizations for inclusion in the Office of Technical Services collection;

(f) Arrange with scientific and technical experts in public and private organizations for the review, analysis and appraisal of developments noted in reports available to the Office of Technical Services;

(g) Compile selected information determined to be of value to American industry and business into usable and convenient form for dissemination to the public; and

(h) Arrange, when possible, for the declassification of classified technological material determined to be of value to industry and business.

§ 601.3 *Library Division.* The Library Division is responsible for managing the Office of Technical Services document collection. In this connection, the Library Division will:

(a) Receive, catalog, index and abstract technical reports and documents added to the collection;

(b) Arrange with other Government libraries for the deposit of Office of Technical Services documents to assure safe storage, accessibility to readers, and availability for photocopying on order;

(c) Compile and publish the Office of Technical Services Bibliography of Scientific and Industrial Reports and compile and publish necessary indices to the Bibliography;

(d) Prepare technical news digests for the trade press of outstanding Office of Technical Services acquisitions to publicize the availability of such documents for the benefit of industry and business;

(e) Furnish copies of Office of Technical Services documents to the public at charges approximating the cost of reproduction; and

(f) Answer general inquiries concerning the availability and content of reports and documents acquired or published by the Office of Technical Services, and, when possible, furnish special summaries and references based upon such materials.

3. By deleting paragraph (a) of § 602.2, and substituting a new paragraph (a) as follows:

§ 602.2 *Manner of dissemination.* * * *

(a) Through sales of the reports listed in the monthly "Bibliography of Scientific and Industrial Reports." All material made available through the Office of Technical Services is listed in the Bibliography. The material includes hitherto secret or otherwise restricted wartime research data, the results of investigations in Germany and other foreign countries, as well as reports on current Government research projects. Copies of all reports are sold at the cost of reproduction. A complete card index to the information contained in these reports is open to the public in the Office of Technical Services, Department of Commerce, Washington, D. C.

(R. S. 161, 5 U. S. C. 22)

[SEAL] JOHN C. GREEN,
Director
Office of Technical Services.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-6861; Filed, July 29, 1948; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5394]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EXCELSIOR LABORATORY, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offering for sale, sale, or distribution of respondents' medicinal preparation designated "Gosewisch's Garlic Tablets" or any preparation containing substantially similar properties, under whatever name sold, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements (a) represent, directly or by implication, that respondents' preparation possesses any therapeutic value in the treatment of high blood pressure or the symptoms thereof, or any other pathological condition; (b) represent, directly or by implication, that garlic possesses any therapeutic value in the treatment of high blood pressure or the symptoms thereof; or, (c) use the word "Garlic" or any other word of similar import in the product name of any preparation not containing a substantial quantity of garlic; or otherwise use the word "Garlic" or any simulation thereof in such manner as to represent or imply when such is not the fact, that a preparation contains garlic in substantial quantity; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Excelsior Laboratory, Inc. et al., Docket 5394, June 1, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1948.

In the Matter of Excelsior Laboratory, Inc., a Corporation, and Dorothy Flatter Trading as Dorothy Gosewisch, and Otto R. Flatter, Individually and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Excelsior Laboratory, Inc., testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, brief in support of the complaint and brief in opposition thereto on behalf of said respondent, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated

the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Excelsior Laboratory, Inc., a corporation, and its officers, and respondents Dorothy Flatter and Otto R. Flatter, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' medicinal preparation now designated "Gosewisch's Garlic Tablets," or any preparation containing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:

(a) Represents, directly or by implication, that respondents' preparation possesses any therapeutic value in the treatment of high blood pressure or the symptoms thereof, or any other pathological condition;

(b) Represents, directly or by implication, that garlic possesses any therapeutic value in the treatment of high blood pressure or the symptoms thereof;

(c) Uses the word "garlic" or any other word of similar import in the product name of any preparation not containing a substantial quantity of garlic; or otherwise uses the word "garlic" or any simulation thereof in such manner as to represent or imply when such is not the fact, that a preparation contains garlic in substantial quantity.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondents' preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 (a) 1 (b) or 1 (c) above.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-6851; Filed, July 29, 1948; 8:49 a. m.]

[Docket No. 5467]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STRUCTURAL CLAY PRODUCTS, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (a 5) *Combining or conspiring—To discriminate through basing point and delivered price systems:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular, established or acceptable channels:* § 3.45 (a) *Discriminating in price—Basing points and delivered price systems:* § 3.85 (a) *Selling and quoting on systematic price matching basis—Basing points and delivered price systems.* I. In or in connection with the offering for sale, sale, and distribution of glazed facing tile in commerce, and on the part of respondent Brick and Tile Sales Corp. (of which the voting stock is entirely owned by respondent manufacturers), and on the part of the five respondent manufacturers, their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) continue, establish or maintain any common sales agent by or through which the prices, terms, or conditions of sale for their glazed facing tile are established, fixed, or maintained, and from otherwise fixing, establishing, or maintaining prices, terms, or conditions of sale for their said glazed facing tile; (2) continue, establish or maintain any agency, system, or method for promoting adherence to prices, terms, or conditions of sale for their glazed facing tile, regardless of how such prices, terms, or conditions of sale are established or announced; (3) select outlets for substandard glazed facing tile or limit the sale of such glazed facing tile to designated outlets; (4) continue, establish, or maintain any classification of types or sizes of glazed facing tile for the purpose or with the effect of restraining price competition in the sale of such products; (5) continue, establish, or maintain policies or practices respecting the selection, designation, or classification of dealers, or respecting the terms or conditions of sale to dealers, or respecting the division of sales between dealers and respondents or any of them; (6) use a zoning method of computing or formulating delivered-price quotations when other respondents simultaneously do likewise and by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents; or (7) discriminate between and among purchasers of glazed facing tile through demanding, charging, or accepting for glazed facing tile of like grade, quality, and quantity, higher net prices from purchasers located near the producing plant of the seller than from purchasers more distantly located with respect to such plant, and whereby any respondent is enabled to, and does, match its price quotations on a delivered basis with the price quotations of other respondents; and, II., instigating, aiding, assisting, or cooperating in doing or performing any of the things prohibited in prohibitions 1 to 7, inclusive, of the instant order; prohibited, subject to the provision, however, that nothing contained in said prohibitions 1 to 5, inclusive, of the order shall be construed as prohibiting the establishment of a sales agency which does not prejudice the public interest by tending unduly to restrict competition or tending unduly to obstruct the course of trade. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Structural Clay Products, Inc. and Brick and Tile Sales Corp. et al., Docket 5467, May 28, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 28th day of May A. D. 1948.

In the Matter of Structural Clay Products Incorporated, Brick and Tile Sales Corporation, Continental Clay Products Company, The Mapleton Clay Products Company, The Metropolitan Paving Brick Company, The National Fireproofing Corporation, and The Stark Brick Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and substitute answers by respondents, in which answers respondents admit all of the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Brick and Tile Sales Corporation, Continental Clay Products Company, The Mapleton Clay Products Company, The Metropolitan Paving Brick Company, The National Fireproofing Corporation, and The Stark Brick Company, their respective officers, agents, representatives, and employees, in or in connection with the offering for sale, sale, and distribution of glazed facing tile in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Continuing, establishing, or maintaining any common sales agent by or through which the prices, terms, or conditions of sale for their glazed facing tile are established, fixed, or maintained, and from otherwise fixing, establishing, or maintaining prices, terms, or conditions of sale for their said glazed facing tile.

2. Continuing, establishing, or maintaining any agency, system, or method for promoting adherence to prices, terms, or conditions of sale for their glazed facing tile, regardless of how such prices, terms, or conditions of sale are established or announced.

3. Selecting outlets for substandard glazed facing tile or limiting the sale of such glazed facing tile to designated outlets.

4. Continuing, establishing, or maintaining any classification of types or sizes of glazed facing tile for the purpose or with the effect of restraining price competition in the sale of such products.

5. Continuing, establishing, or maintaining policies or practices respecting the selection, designation, or classification of dealers, or respecting the terms or conditions of sale to dealers, or respecting the division of sales between dealers and respondents or any of them.

6. Using a zoning method of computing or formulating delivered-price quotations when other respondents simultaneously do likewise and by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents.

7. Discriminating between and among purchasers of glazed facing tile through demanding, charging, or accepting for glazed facing tile of like grade, quality, and quantity, higher net prices from purchasers located near the producing plant of the seller than from purchasers more distantly located with respect to such plant, and whereby any respondent is enabled to, and does, match its price quotations on a delivered basis with the price quotations of other respondents.

Provided, however That nothing contained in paragraphs 1 to 5, inclusive, of this order shall be construed as prohibiting the establishment of a sales agency which does not prejudice the public interest by tending unduly to restrict competition or tending unduly to obstruct the course of trade.

It is further ordered, That Structural Clay Products, Incorporated, its officers, representatives, agents, and employees, do forthwith cease and desist from instigating, aiding, assisting, or cooperating in doing or performing any of the things prohibited in paragraphs 1 to 7, inclusive, of this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-6848; Filed, July 29, 1948; 8:48 a. m.]

[Docket No. 5468]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STRUCTURAL CLAY PRODUCTS, INC. ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (a 5) *Combining or conspiring—To discriminate through basing point and delivered price systems:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular, established or acceptable channels:* § 3.45 (a) *Discriminating in price—Basing points and delivered price systems:* § 3.85 (a) *Selling and quoting on systematic price matching basis—Basing points and delivered price systems.* I. In or in connection with the offering for sale, sale, and distribution of bricks in commerce, and on the part of respondent Colonial Clays, Inc. (of which the voting stock is entirely owned by respondent manufacturers) and on the part of the nine respondent maufacturers, their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) continue, establish, or maintain any common sales agent by or through which the prices, terms, or conditions of sale for their bricks are established, fixed, or maintained, and from otherwise fixing, establishing, or maintaining prices, terms, or conditions of sale for their said bricks; (2) continue, establish, or maintain any agency, system, or method for promoting adherence to prices, terms, or conditions of sale for their bricks, regardless of how such prices, terms, or conditions of sale are established or announced; (3) select outlets for substandard bricks or limit the sale of such bricks to designated outlets; (4) continue, establish, or maintain any classification of types or sizes of bricks for the purpose or with the effect of restraining price competition in the sale of such products; (5) continue, establish, or maintain policies or practices respecting the selection, designation, or classification of dealers, or respecting the terms or conditions of sale to dealers, or respecting the division of sales between dealers and respondents or any of them; (6) use a zoning method of computing or formulating delivered-price quotations when other respondents simultaneously do likewise and by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents; or, (7) discriminate between and among purchasers of bricks through demanding, charging, or accepting for brick of like grade, quality, and quantity, higher net prices from purchasers located near the producing plant of the seller than from purchasers more distantly located with respect to such plant, and whereby any respondent is enabled to, and does, match its price quotations on a delivered basis with the price quotations of other respondents; and, II, instigating, aiding, assisting, or cooperating in doing or performing any of the things prohibited in prohibitions 1 to 7, inclusive, of the instant order; prohibited, subject to the provision, however, that nothing contained in said prohibitions 1 to 5, inclusive, of the order shall be construed as prohibiting the establishment of a sales agency which does not prejudice the public interest by tending unduly to restrict competition or tending unduly to obstruct the course of trade. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Structural Clay Products, Inc., and Colonial Clays, Inc. et al., Docket 5468, May 28, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 28th day of May A. D. 1948.

In the Matter of Structural Clay Products Incorporated, Colonial Clays, Incorporated, The Bridgewater Brick Company, The North Haven Brick Company, The Stiles & Hart Brick Company, The I. L. Stiles & Son Brick Company, The Stiles & Reynolds Brick Company, The Donnelly Brick Company, The Michael Kane Brick Company, The Eastern Brick Company, and The New England Brick Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and substitute answers by respondents, in which answers respondents admit all of the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Colonial Clays, Incorporated, The Bridgewater Brick Company, The North Haven Brick Company, The Stiles and Hart Brick Company, The I. L. Stiles and Son Brick Company, The Stiles and Reynolds Brick Company, The Donnelly Brick Company, The Michael Kane Brick Company, The Eastern Brick Company, and The New England Brick Company, their respective officers, agents, representatives, and employees, in or in connection with the offering for sale, sale, and distribution of bricks in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Continuing, establishing, or maintaining any common sales agent by or through which the prices, terms, or conditions of sale for their bricks are established, fixed, or maintained, and from otherwise fixing, establishing, or maintaining prices, terms, or conditions of sale for their said bricks.

2. Continuing, establishing, or maintaining any agency, system, or method for promoting adherence to prices, terms, or conditions of sale for their bricks, regardless of how such prices, terms, or conditions of sale are established or announced.

3. Selecting outlets for substandard bricks or limiting the sale of such bricks to designated outlets.

4. Continuing, establishing, or maintaining any classification of types or sizes of bricks for the purpose or with the effect of restraining price competition in the sale of such products.

5. Continuing, establishing, or maintaining policies or practices respecting the selection, designation, or classification of dealers, or respecting the terms or conditions of sale to dealers, or respecting the division of sales between dealers and respondents or any of them.

6. Using a zoning method of computing or formulating delivered-price quotations when other respondents simultaneously do likewise and by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents.

7. Discriminating between and among purchasers of bricks through demanding, charging, or accepting for brick of like grade, quality, and quantity, higher net prices from purchasers located near the producing plant of the seller than from purchasers more distantly located with respect to such plant, and whereby any respondent is enabled to, and does, match its price quotations on a delivered basis with the price quotations of other respondents.

Provided, however That nothing contained in paragraphs 1 to 5, inclusive, of this order shall be construed as prohibiting the establishment of a sales agency which does not prejudice the public interest by tending unduly to restrict competition or tending unduly to obstruct the course of trade.

It is further ordered, That Structural Clay Products, Incorporated, its officers, representatives, agents, and employees, do forthwith cease and desist from instigating, aiding, assisting, or cooperating in doing or performing any of the things prohibited in paragraphs 1 to 7, inclusive, of this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-6849; Filed, July 29, 1948; 8:48 a. m.]

[Docket No. 5521]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MID-WEST NOVELTY CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with the offering for sale, sale and distribution of cigarette lighters, clocks, radios, fountain pens, glassware, cameras, electric razors and other articles of merchandise, (1) selling or distributing assortments of merchandise so packed or assembled that sales of said merchandise to the public are to be made, or, due to the manner in which such merchandise is packed or assembled at the time it is sold by respondent, may be made, by means of a game of chance, gift enterprise or lottery scheme; (2) supplying to or placing in the hands of others push or pull cards, punchboards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punchboards, or other lottery devices are to be used or may be used in selling or distributing merchandise to the public; or (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Mid-West Novelty Company, Docket 5521, June 1, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1948.

In the Matter of Isaac Joseph Olsher an Individual, Trading as Mid-West Novelty Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts; and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Isaac Joseph Olsher, an individual trading as Mid-West Novelty Company, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cigarette lighters, clocks, radios, fountain pens, glassware, cameras, electric razors and other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing assortments of merchandise so packed or assembled that sales of said merchandise to the public are to be made, or, due to the manner in which such merchandise is packed or assembled at the time it is sold by respondent, may be made, by means of a game of chance, gift enterprise or lottery scheme.

2. Supplying to or placing in the hands of others push or pull cards, punchboards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punchboards, or other lottery devices are to be used or may be used in selling or distributing merchandise to the public.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-6850; Filed, July 29, 1948; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

ORGANIZATION AND FUNCTIONS

Section 500.22 of Subpart C is amended effective July 14, 1948, by Deleting opposite "Texas" "San Antonio" and in the column headed "Address" the following: "San Antonio Arsenal, Building No. 3" and substituting therefor the following: "610 South Flores Street, Building No. 3"

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup. 1702 and Reorg. Plan No. 3 of 1947, effective July 27, 1947)

[SEAL] R. WINTON ELLIOTT, *Assistant Commissioner.*

JULY 23, 1948.

[F. R. Doc. 48-6333; Filed, July 29, 1948; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5646]

PART 315—LICENSING UNDER THE FEDERAL FIREARMS ACT OF MANUFACTURERS OF, AND DEALERS IN, FIREARMS OR AMMUNITION.

JULY 26, 1948.

Because the current edition of regulations issued under the Federal Firearms Act, Treasury Decision 4893, dated May 1, 1939 (C. B. 1939-1 (Part 1) 364), is exhausted, this Treasury decision is issued as a new edition. This Treasury decision incorporates the several amendments of Treasury Decision 4893 made by Treasury Decisions 4946 (C. B. 1939-2, 403) 5564 (C. B. 1947-1, 180), and 5609 (I. R. B. 1948-7, 22), filed with the Division of the Federal Register on September 26, 1939, May 28, 1947, and March 19, 1948, respectively (26 CFR, Part 315)

Section 1 (8) of the Federal Firearms Act as quoted in this Treasury decision reflects the amendment made by the act approved August 6, 1939 (53 Stat. 1222) which amendment is effective as of August 6, 1939; and section 1 (6) of the Federal Firearms Act as so quoted reflects the amendment made by the act approved March 10, 1947 (Public Law 15, 80th Congress) which amendment is effective as of March 10, 1947.

Because this Treasury decision makes no alteration of existing rules, it is found unnecessary that it be issued with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of the said act.

SUBPART A—FEDERAL FIREARMS ACT

Sec.
315.0 Introductory.

SUBPART B—DEFINITIONS

315.1 Definitions.

SUBPART C—LICENSES

SUBPART D—RECORDS

SUBPART E—EXEMPTIONS

SUBPART F—MISCELLANEOUS PROVISIONS

AUTHORITY: §§ 315.0 to 315.14, inclusive, issued under sec. 7, 52 Stat. 1252; 15 U. S. C. 907.

SUBPART A—FEDERAL FIREARMS ACT

§ 315.0 *Introductory.* The Federal Firearms Act approved June 30, 1938, as amended August 6, 1939, and March 10, 1947 (52 Stat. 1250, 53 Stat. 1222; 15 U. S. C. 901–909; Public Law 15, 80th Cong., 1st Sess.), provides:

* * * That as used in this Act—

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (* * *[1] but not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (* * *[1] but not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge case, primers, bullets, or propellent powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this Act.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach[2] mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this Act.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(8) The term "ammunition" shall include only pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

SEC. 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions * * *[1] or the District of Columbia of a crime of violence or is a fugutive[2] from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugutive[2] from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(f) If shall be unlawful for any person who has been convicted of a crime of violence or is a fugutive[2] from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this Act.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this Act.

SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of $25 per annum and, if a dealer, shall pay a fee of $1 per annum.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this Act: *Provided*, That no license shall be issued to any applicant within two years after the revocation of a previous license.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this Act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within 48 hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of $1,000, and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of the Treasury shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

SEC. 4. The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of the Treasury: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of the Treasury; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces: *Provided*, That nothing herein contained shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competitions.

SEC. 5. Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than five years, or both.

SEC. 6. This Act shall take effect 30 days after its enactment.

SEC. 7. The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

[1] Omitted matter, relating to the Philippine Islands, no longer applicable.

[2] So in original.

SEC. 8. Should any section or subsection of this Act be declared unconstitutional, the remaining portion of the Act shall remain in full force and effect.

SEC. 9. This Act may be cited as the Federal Firearms Act.

The regulations in this part are hereby prescribed under the Federal Firearms Act, relative to the licensing of manufacturers of, and dealers in, firearms or ammunition; to the records to be maintained by licensed manufacturers and dealers; and to transactions and dealings in firearms or ammunition specifically exempted from the provisions of the act:

SUBPART B—DEFINITIONS

§ 315.1 *Definitions.* As used in the regulations in this part:

(a) The term "act" means the Federal Firearms Act.

(b) The term "firearm" means (1) any weapon, by whatever name known, which is designed to expel a projectile or projectiles by action of an explosive, (2) any part or parts of such weapon, and (3) a firearm muffler or firearm silencer.

(c) The term "ammunition" means only pistol and revolver ammunition. It does not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

(d) The term "interstate or foreign commerce" means:

(1) Commerce between any State, Territory, or possession of the United States (not including the Canal Zone) or the District of Columbia, and any place outside thereof;

(2) Commerce between points within the same State, Territory, or possession of the United States (not including the Canal Zone) or the District of Columbia, but through any place outside thereof; or

(3) Commerce within any Territory, or possession of the United States (including the Canal Zone) or the District of Columbia.

(e) The term "person" includes an individual, partnership, association, or corporation.

(f) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition, for purposes of sale or distribution.

(g) The term "licensed manufacturer" means a manufacturer licensed under section 3 of the act.

(h) The term "dealer" means any person engaged in the business of selling firearms or ammunition at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms.

(i) The term "licensed dealer" means a dealer licensed under section 3 of the act.

(j) The term "license" means a license issued under authority of section 3 (b) of the act.

(k) The term "license fee" means the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

(l) The term "Secretary" means the Secretary of the Treasury.

(m) The term "Commissioner" means the Commissioner of Internal Revenue.

(n) The term "collector" means collector of internal revenue.

(o) The terms "includes" and "including" when used in a definition or statement in these regulations shall not be deemed to exclude other things otherwise within the scope thereof.

SUBPART C—LICENSES

§ 315.2 *Persons required to procure licenses.* Under section 2 (a) of the act, it is unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce. Therefore, every manufacturer or dealer within the meaning of the act and the regulations in this part (see § 315.1 (f) and (h)) must first procure a license under section 3 of the act before he may, on or after July 30, 1938, lawfully transport, ship, or receive any firearms or ammunition in interstate or foreign commerce.

It is not necessary in any case for a person licensed as a manufacturer also to procure a license as a dealer. The license as manufacturer entitles the licensee, within the limitations of the act, to transport, ship, or receive, in interstate or foreign commerce, firearms or ammunition, whether of his own production or produced by another. However, a person required to be licensed as a manufacturer does not comply with the provisions of the act by procuring a license as dealer.

A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may, on or after July 30, 1938, lawfully transport, ship, or receive any firearm, including any part of a weapon (see § 315.1 (b)) or ammunition in interstate or foreign commerce.

§ 315.3 *Persons not entitled to a license.* A license shall not be issued to any person who is under indictment for, or has been convicted of, a "crime of violence" as defined in section 1 (6) of the act, or who is a "fugitive from justice" as defined in section 1 (17) of the act. Nor shall a license be issued to any applicant within two years after the revocation of a previous license.

§ 315.4 *Application for a license.* The application for a license shall be made on Form 7 (Firearms), copies of which may be procured from collectors. The application shall be filed with the collector for the district within which the principal place of business of the applicant is located. The application must contain all the information required by the form.

§ 315.5 *License fees.* In the case of a manufacturer the license fee is $25 per annum, and in the case of a dealer the license fee is $1 per annum.

§ 315.6 *Issuance of license.* If an application on Form 7 (Firearms) has been filed with the collector, properly executed by a person lawfully entitled to a license and accompanied by the required licenses fee, there shall be issued to the applicant a license on Form 8 (Firearms)

§ 315.7 *Scope and duration of license.* The license shall entitle the person to whom issued to transport, ship, or receive firearms or ammunition in interstate or foreign commerce for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the act. (See § 315.9.)

A license shall not be issued in any case for a period of less than one year. No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. Nor shall any refund be made if the license is suspended or revoked because of violation by the licensee of any provision of the act.

When a license has expired, or is about to expire, a new license, if desired, may be obtained by filing with the collector an application on Form 7 (Firearms), accompanied by the required license fee, provided the applicant is otherwise entitled to a license (see § 315.3).

The license under section 3 of the act is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

The license applies to the operations of the licensee and not to any particular place at which business is carried on. Accordingly, only one license is required, regardless of the number of places at which the licensee operates. If the business is carried on at more than one location, the license shall be held available for inspection at the principal place of business and an appropriate record maintained at all other locations showing where the license is so held.

The license confers no right or privilege to conduct business contrary to State or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any other law affords no immunity under the act. (See § 315.12.)

§ 315.8 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one district to another, prompt notification of the new location of the business must be given to:

(1) The collector for the district where the license was issued;

(2) The collector for the district from which or within which the removal is made; and

(3) The collector for the district to which the removal is made.

§ 315.9 *Suspension and revocation of license.* Section 3 (c) of the act provides in part that the license of any person convicted of violation of any provision of the act shall be suspended until final disposition of the case, at which time, if the conviction has not been set aside, the license shall be revoked. Section 3 (c) further provides that a licensee convicted of violation of any provision of the act may be permitted to continue in business during the pendency of an appeal from such conviction upon furnishing a bond of $1,000 acceptable to the Secretary.

Upon receipt by the Secretary of notice of the conviction of a licensee of violation of any provision of the act, the license of such person shall be immediately suspended in accordance with the provisions of section 3 (c) of the act, and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

A person whose license is suspended on account of a conviction of violation of any provision of the act and who desires permission to continue in business during the pendency of an appeal from such conviction shall file an application with the Commissioner for such permission. The application shall be under oath and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of $1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the act. As soon as possible after the receipt of the application and bond, the Commissioner shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

An application for permission to continue in business during the pendency of an appeal from a conviction of violation of any provision of the act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license. (See § 315.3.)

In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until final action upon the appeal from the conviction, at which time the case will be disposed of according to the outcome of the appeal. If the application for permission to continue in business is denied, or if no such application is made, the suspension of the license remains in effect throughout the pendency of the appeal and final action will then be taken in the case as may be required by the outcome of the appeal.

The granting of an application to continue in business during the pendency of an appeal from a conviction of violation of any provision of the act does not extend the term of the license. If a license expires by lapse of time before the appeal is decided, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall stand in place of, and be subject to the same condition as, the old license, that is, the new license shall be subject to revocation if the conviction is not set aside.

If upon appeal the conviction of a licensee of violation or any provisions of the act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the act, and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

The forfeiture of a license for violation of any provision of the act is a separate and distinct penalty in addition to any other penalties which may apply in the case, whether imposed under section 5 of the act or under any other provision of law.

A person whose license has been revoked for violation of any provision of the act may, if otherwise entitled to a license (see § 315.3) again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the collector in accordance with the provisions of § 315.4.

SUBPART D—RECORDS

§ 315.10 *Records—(a) Manufacturers.* Each licensed manufacturer shall maintain complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers, including firearms in an unassembled condition, but not including parts of firearms. The records shall show and include:

(1) The number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

(2) The types, and quantity of each type, of ammunition;

(3) The name and address of each person from whom the firearms or ammunition, if not the manufacturer's own product, was acquired, and the date of acquisition; and

(4) The disposition made of the firearms or ammunition, including the name and principal address of each transferee, the address to which delivered, and date of disposition.

(b) *Dealers.* Each licensed dealer shall maintain complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of his business. The records shall show and include:

(1) The number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

(2) The name and address of each person from whom firearms are acquired, and the date of acquisition;

(3) The disposition made of the firearms, including the name and principal address of each transferee, the address to which delivered, and date of disposition.

(c) *General.* The records prescribed by this section shall be in permanent form and shall be retained for a period of not less than six years from the date of the transactions to which the records relate. Such records must be held available for inspection during business hours by any authorized officer or agent of the United States engaged in the performance of his duties under the act.

SUBPART E—EXEMPTIONS

§ 315.11 *Exemptions—(a) General.* Under section 4 of the act, the provisions of the act do not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of:

(1) The United States or any department, independent establishment, or agency thereof;

(2) Any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) Any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in paragraph (b) of this section; and

(5) Any research laboratory designated under paragraph (c) of this section and granted exemption thereunder.

Section 4 of the act further exempts from the provisions of the act:

(6) The transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces; and

(7) Shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

(b) *Bank, public carrier, express, or armored-truck company.* Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption under section 4 of the act upon application to the collector for the district within which the principal place of business is located. Such application shall be submitted under oath and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona

fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the collector shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

(c) *Research laboratory.* A research laboratory desiring to procure an exemption under section 4 of the act shall file an application with the Commissioner. The application shall be under oath and shall show (1) by whom and the purpose for which the laboratory was organized, (2) the source of the funds expended for the maintenance and operations of the laboratory, (3) the services performed by, and operations of, the laboratory, and (4) the purposes for which the exemption is requested. The Commissioner shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.

SUBPART F—MISCELLANEOUS PROVISIONS

§ 315.12 *Relation to other provisions of law.* The provisions of the act and of the regulations in this part are in addition to, and not in lieu of, any other provision of law, or regulations, respecting the manufacture or importation of, or dealing in, firearms or ammunition.

§ 315.13 *Penalties.* Section 5 of the act provides certain penalties for violation of the provisions of the act or the regulations in this part, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the act, see section 2 of the act.

§ 315.14 *Effective date.* The regulations in this part shall take effect upon the date of their filing for publication in the FEDERAL REGISTER and shall supersede, as of such date, the provisions of Treasury Decision 4898 approved May 1, 1939, as amended.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-6889; Filed, July 29, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Operations Notice 1]

PART 8401—ORGANIZATION OF WASHINGTON OFFICE OF WAR ASSETS ADMINISTRATION

War Assets Administration Operations Notice 1, issued December 1, 1947, dated December 5, 1947, pursuant to section 3 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237) entitled "Organization of the Washington Office of War Assets Administration" (12 F. R. 8156) is hereby revised and amended as hereinafter set forth.

Sec.

AUTHORITY: §§ 8401.1 to 8401.10, inclusive, issued under 58 Stat. 765, as amended, 59 Stat. 533; 50 U. S. C. App. Sup. 1611, 1614a, 1614b; Reorg. Plan 1 of 1947 (12 F. R. 4534).

§ 8401.1 *Scope.* The War Assets Administrator performs a dual function in the disposal of surplus property through the War Assets Administration. One of these functions is to determine policy for all disposal agencies designated pursuant to the Surplus Property Act of 1944, as amended; and the other is to perform the functions of a designated disposal agency. This part deals solely with the organization and functions of the Washington office of the War Assets Administration as an agency designated for the disposal of surplus property located within the continental limits of the United States of America, its territories and possessions.

§ 8401.2 *Office of the Administrator—*(a) *Functions.* The Administrator exercises general supervision and direction over the care and handling and disposition of surplus property and the transfer of surplus property between Government agencies in accordance with the provisions of the Surplus Property Act of 1944, as amended, and pursuant to Reorganization Plan 1 of 1947.

(b) *Organization—*(1) *The General Board.* The General Board, on behalf of the Administrator, reviews and makes recommendations upon any matter involving contracts, controversies and large sales of personal property presented to the Board; with respect to real property, analyzes each disposal case presented to the Board in the light of pertinent criteria and accepts, rejects, modifies, or otherwise acts on the recommendation of the Deputy Administrator for Real Property Disposal, subject to final approval of the General Counsel and the Administrator in certain instances; and reviews and acts on recommendations in cases involving the expenditure of funds for rehabilitation, restoration, or decontamination of surplus real properties.

(2) *Compliance Division.* (i) The Compliance Division checks sales of surplus property to determine compliance with law and regulations and to eliminate fraud, collusion and favoritism; investigates complaints and reports indicating the possibility of fraud, collusion or violation of ethics; and conducts personnel investigations of key officials.

(ii) *Authority.* The authority to perform such functions is assigned to the Director of the Compliance Division, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

(3) *Information Division.* (i) The Information Division initiates and directs the planning, development and operation of public relations and information programs for the War Assets Administration and coordinates the dissemination of information to news media.

(ii) The authority to perform such functions is assigned to the Director of the Information Division, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.3 *General Counsel—*(a) *Organization and functions.* The General Counsel is in charge of all legal and legislative matters affecting the War Assets Administration; coordinates and prepares such proposed legislation concerning the Administration as may be requested by the Congress or the Administrator; determines the legality of proposed regulations, procedures, orders and methods; prepares and interprets sales contracts and other legal agreements as required; coordinates all litigation, patent matters and judicial or quasi-judicial proceedings; formulates policies and procedures governing claims; and coordinates the presentation of information to Congressional Committees, except where appropriations are involved.

(b) *Authority.* The authority to perform such functions is vested in the General Counsel, who is authorized to delegate to members of his staff any portion of such authority as he deems necessary. He is further authorized to approve, under the "Equitable Adjustment Clause" contained in sales memoranda or contracts executed pursuant to competent authority, adjustments of claims arising out of the disposal of surplus property and to consider, ascertain, adjust, determine and settle any claim filed under the provisions of the Federal Tort Claims Act (Public Law 601, 79th Congress.)

§ 8401.4 *Office of Management—*(a) *Organization and functions.* The Office of Management coordinates and directs all activities of the War Assets Administration required in the review, coordination, initiation and recommendation of basic policies, broad programs, organization and methods to secure prompt and orderly disposal of surplus property in conformity with the objectives of the Surplus Property Act, as amended; formulates and effects a comprehensive program of personnel management and the budgetary program; provides advertising services and office services; establishes the safety policy and program; and maintains the historical record of the Surplus Property program.

(1) *Planning and Research Division.* The Planning and Research Division reviews, develops and coordinates disposal policies and methods to assure that the disposal aims of the War Assets Administration and other disposal agencies may be carried out with maximum speed and effectiveness; conducts research and market studies to accelerate disposals; and is responsible for the development of the administrative history of the surplus property program.

(2) *Organization and Methods Division.* The Organization and Methods Division plans and controls the development, installation and operation of organizational patterns and operating

methods; develops management controls and measurement standards applicable to organization and methods matters; and provides statistical information and analyses required (i) for the effective management of surplus property programs and (ii) to reflect the progress thereunder.

(3) *Personnel Division.* The Personnel Division administers a comprehensive program of personnel management covering (i) the recruitment, examination, qualification, appointment, training, assignment, promotion, reassignment and transfer of all War Assets Administration personnel, (ii) the maintenance of effective employee relations, (iii) the classification of positions and (iv) the development of wage standards.

(4) *Budget Division.* The Budget Division formulates and administers a budgetary and personnel ceiling program for the War Assets Administration, including the estimating of expenditures and the defense of those estimates, the allotment and allocation of available funds, and the determination of the propriety of proposed expenditures.

(5) *Advertising Division.* The Advertising Division provides advertising to assist the prompt and economical disposal of surplus property, utilizing the services of commercial advertising agencies; and recommends policies to conform with the provisions of the Surplus Property Act directing wide public notice of surplus property sales.

(6) *Office Services Division.* The Office Services Division coordinates and directs all functions pertaining to the furnishing of office services for the War Assets Administration, including the procurement of supplies and equipment, the furnishing of reproduction services, the allocation of space, the negotiation of contracts, the preparation and maintenance of delegations of authority, the improvement of correspondence, and the maintenance of communications and records facilities; the Division also formulates a clear-cut safety policy and program for application throughout the War Assets Administration and coordinates the administration thereof.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Management, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to execute the certificate required by the act of March 3, 1905 (33 Stat. 1213; 44 U. S. C. 118) as to the necessity for the use of illustrations, engravings or photographs in connection with the transaction of business; to order, against contracts currently in force, the publication in newspapers of notices and proposals relating to the disposal of surplus property; to award and execute contracts, documents and other instruments necessary to carry out the functions of his office; to order or approve irregular or occasional overtime duty in excess of a 40-hour administrative work week; to administer oaths of office; to process for and in the name of the Administrator all personnel actions; to appoint an Efficiency Rating Committee; to execute certificates covering the use of the telephone for long distance calls; and to approve all requests for field printing as authorized by the Joint Committee on Printing.

§ 8401.5 *Office of Acquisitions and Fiscal Services*—(a) *Organization and functions.* The Office of Acquisitions and Fiscal Services directs and coordinates all activities relating to the acquisition, inspection, care, handling, storage and shipment of surplus personal property; the determination and certification of scrap; the maintenance of a uniform stock control system for surplus personal property; the systematic audit of accounts; the accounting for funds and surplus property and the preparation of reports relating thereto; the extension of credit to purchasers; and the insurance of Government property leased or sold on credit terms.

(1) *Audit Division.* The Audit Division establishes over-all audit policies and procedures; makes systematic verifications of War Assets Administration books of account, vouchers, and related inventory, financial and legal records for the purpose of evaluating the effectiveness of internal financial control and determining the accuracy and integrity of financial and property transactions and their conformity with controlling laws and regulations as well as with sound business practices; and makes examinations of the accounts and records of Industry Agents and other contractors with a view to seeing that the provisions of the various contracts, or agreements, are properly complied with.

(2) *Accounting Division.* The Accounting Division establishes over-all accounting policies and maintains accounting systems for the recording of transactions, the prevention of error, and the preparation and submission of reports covering the acquisition, maintenance, disposal and administrative activities of the War Assets Administration.

(3) *Stock Control Division.* The Stock Control Division develops and directs plans, policies and procedures governing stock control operations; advises field offices in the interpretation of procedures and directives issued by the War Assets Administration as they affect stock control; and reviews periodically stock control operations in the field to assure uniformity and efficiency of operation and conformity with established procedures.

(4) *Credit and Insurance Division.* The Credit and Insurance Division establishes over-all credit and insurance standards in connection with sales of surplus property; formulates and prepares technical instructions, publications and forms, and procedures governing credit and insurance functions, both in Washington and in the field; directs the field in the application of policy, methods and techniques as prescribed by the Washington Office; and collaborates with field offices on the collection of delinquent accounts, determining, with respect to cases submitted to the Washington Office, when property should be repossessed or legal action instituted.

(5) *Inspection Division.* The Inspection Division formulates policies and procedures and establishes standards governing the acquisition, inspection, coding, classification and documentation necessary to receive property, firm inventories and check shipments to customers, and develops and implements policies and procedures governing scrap determination and certification; advises owning agencies and War Assets Administration organizational units of these policies, procedures and standards; exercises broad supervision over these activities in field offices; makes periodic surveys of inspection and scrap determination operations in the regions to assure conformity with established standards and procedures, and directs corrective action where necessary.

(6) *Warehousing and Traffic Division.* The Warehousing and Traffic Division plans, develops and directs a program pertaining to the receipt, storage, processing, packaging, loading, and shipment of personal property declared as surplus to the War Assets Administration; directs and controls all traffic matters (except passenger traffic), instructs field offices in technical warehousing operations; interprets general directives issued by the War Assets Administration as they affect the Warehousing and Traffic Division functions, formulating procedures or supplementing established standards where necessary and makes periodic surveys of warehousing and traffic operations to determine whether they are in accordance with established policies and procedures and are administered to provide the maximum efficiency and directs corrective action where necessary.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Acquisitions and Fiscal Services, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary.

§ 8401.6 *Office of Personal Property Disposal*—(a) *Organization and functions.* The Office of Personal Property Disposal plans, develops and administers programs for the disposal of surplus property other than real property, aircraft, aircraft components and electronics in a manner which will achieve the objectives, provisions and conditions of the Surplus Property Act of 1944, as amended.

(1) *Program and Field Coordination Division.* The Program and Field Coordination Division is responsible in a staff capacity within the Office of Personal Property Disposal for review, analysis and coordination of disposal programs; for initiating and coordinating all procedural releases concerned with personal property disposal; for directing activities pertaining to export sales; for formulating and administering policies and procedures for the operation of Customer Service Centers; for coordinating disposals to agriculture and special projects requiring liaison with other agencies; for the classification and assignment of commodities; and for the coordination and integration of pricing policies.

(2) *Priority Claimants Division.* The Priority Claimants Division collaborates with the Office of Management in the

development of procedures designed to implement policies covering disposals of surplus personal property to priority claimants and groups receiving special consideration under the Surplus Property Act, as amended; determines the requirements of these priority claimants and groups for personal property and expedites disposals thereto; promotes the utilization of surplus personal property by priority claimants with particular reference to those items in long supply; maintains liaison with organizations' representative of claimants and groups; and assists in expediting the disposal of surplus personal property under statutes and regulations which involve the administration of overriding priorities.

(3) *Machinery, Metalworking and Industrial Equipment Division.* The Machinery, Metalworking and Industrial Equipment Division plans, develops and coordinates activities for the disposal of machinery, industrial equipment and metalworking equipment in accordance with established policies and procedures.

(4) *General Products Division.* The General Products Division plans, develops and coordinates activities for the disposal of general products, including: automotive equipment, hardware and miscellaneous products, textiles, paper, furniture, medical supplies, metals, materials and industrial supplies, and related products, in accordance with established policies and procedures.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Personal Property Disposal, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to award and execute contracts, documents and other instruments necessary to carry out the disposal functions of his office.

§ 8401.7 *Office of Aircraft and Electronics Disposal*—(a) *Organization and functions.* The Office of Aircraft and Electronics Disposal is responsible for planning, developing and administering programs for the disposal of surplus aircraft, aircraft components and electronic property in a manner which will achieve the objectives, provisions and conditions of the Surplus Property Act, and for reconciling documentation to eliminate discrepancies and make necessary revisions and adjustments in documents that are used by the Office of Acquisitions and Fiscal Services to adjust inventory and disposal records.

(1) *Document Reconciliation Division.* The Document Reconciliation Division develops, directs and coordinates plans and programs to conform documentation necessary for the elimination of discrepancies and the adjustment of inventory and disposal accounts; analyzes and reviews discrepancies; resolves audit exceptions through administrative determinations or approval; makes administrative determinations and recommendations for the settlement of claims; and maintains follow-up on leased aircraft.

(2) *Operations Division.* The Operations Division administers the industry-agents program; initiates, develops and controls disposal programs; develops and revises pricing schedules; analyzes sales, markets, inventories and prices; administers disposal of commercially unsalable property for scrap smelting purposes; maintains a technical library; processes allocations, withdrawals, donations and other disposals of surplus property; and prepares documents incident to disposals.

(b) *Authority.* The authority to perform such functions is assigned to the Deputy Administrator for Aircraft and Electronics Disposal, who is authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized to execute and award contracts, documents, and other instruments necessary to carry out the disposal functions of his office.

§ 8401.8 *Office of Real Property Disposal*—(a) *Organization and functions.* The Office of Real Property Disposal plans, develops, and administers the real property disposal program in a manner which will achieve the objectives, provisions and conditions of the Surplus Property Act of 1944, as amended.

(1) *Disposal Planning Division.* The Disposal Planning Division develops and recommends disposal plans by categories of real property; develops solutions to major disposal problems except those relating solely to a specific property; determines the impact of market and labor conditions on real property disposal; and prepares studies on real property activities.

(2) *Property Management Division.* The Property Management Division develops and administers policies and programs for the management of surplus real property, including alterations, rehabilitation, restoration, decontamination, dismantlement, boundary surveys, assumptions of custody, property maintenance and protection, utilization of surplus facilities, acquisition of space, real property taxes, and servicing of leasing and use agreements and deferred payment sales.

(3) *Appraisal Division.* The Appraisal Division develops and administers policies and programs for declaration analysis, classification and appraisal of surplus real property including appurtenant manufacturing and processing machinery and equipment; prescribes the procedures and standards governing the declaration analysis, classification and appraisal of surplus real property; establishes or directs the establishment of the Administration's valuations of surplus real property; and provides technical supervision and assistance to Appraisal Divisions of Regional Offices.

(4) *Industrial Division.* The Industrial Division recommends disposal action with respect to specific industrial real properties in accordance with established policies and plans; guides and assists regional offices in expediting disposal of industrial real properties for which authority has been delegated to Regional Directors; develops methods and techniques to expedite the disposal of industrial real property; collaborates with the Disposal Planning Division for the purpose of furnishing technical advice in connection with over-all plans and programs for the disposal of industrial real property; and prepares and recommends changes in policy and procedures to facilitate the disposal of industrial real property.

(5) *Non-Industrial Division.* The Non-Industrial Division develops and recommends policies and programs for the disposal of surplus non-industrial real property, including airports, hospitals, urban, rural and special use property; exercises technical supervision over regional offices with respect to the disposal of surplus non-industrial real property and related personalty; conducts disposal activities when specifically designated by the Administrator or the Deputy Administrator on surplus non-industrial real properties having national importance or extensive economic significance; coordinates disposal programs for such real property with related programs of other Government agencies; and prepares and recommends changes in policies and procedures to facilitate the disposal of non-industrial real property, including airports and institutional property for which public benefit allowances are requested under the Surplus Property Act.

(b) *Authority.* The authority to perform such functions outlined is assigned to the Deputy Administrator for Real Property Disposal, who is further authorized to redelegate to subordinate officials such part of that authority as he deems necessary. He is specifically authorized (1) to execute, acknowledge, and deliver any deed, lease, permit, contract, receipt, bill of sale, or other instrument in writing in connection with the disposal of surplus real property, or personal property assigned for disposition with real property, located within the United States, its territories and possessions, (2) to accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken as consideration in whole or in part for the disposition of such surplus real or personal property and (3) to do or perform any other act necessary to effect the transfer of title to any such surplus real or personal property located as above provided; all pursuant to the provisions of the Surplus Property Act of 1944, as amended; Reorganization Plan 1 of 1947; Part 8301 of this chapter; and Surplus Property Administration General Amendment of January 5, 1946.

§ 8401.9 *Rules pertaining to official documents and disclosure of information*—(a) *Disposal of documents.* All records, opinions, claims, accounts, correspondence, and other official documents and exhibits attached or pertaining thereto, and copies thereof are the property of the Government. While copies of such documents may be temporarily kept in so-called personal custody of officials and employees to provide information for official use, they cannot be construed to be the personal property of officials and employees having such custody, even though other copies of such documents may be located in official files or elsewhere. Upon termination of employment in the War Assets Administration any official or employees shall surrender all official documents to his successor or to his immediate supervisor.

(b) *Confidential material.* No copy of, or information relative to, any such document or to any other official business of the Administration which appears to be of a confidential nature, shall be given to any person unless such person obtains a court order or subpoena therefor, or makes application therefor in the manner hereinafter prescribed, and it appears to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator, having charge of the subject matter involved that the furnishing thereof would not be contrary to the public interest. Applications need follow no standard form but shall be addressed to the General Counsel and must set forth under oath the interest of the applicant in the subject matter and the purpose for which such copy or information is desired. Applications by duly accredited Governmental officials need not be under oath.

(c) *Testing before courts, etc. (excluding Congressional committees)* War Assets Administration officials and employees are prohibited from testifying in court or otherwise with respect to information obtained in their official capacities, without the prior approval of the Administrator, Associate Administrator, or General Counsel, or of the Deputy Administrator, in whose office such official or employee is employed.

(d) *Congressional committees.* In order to give direction and coordination to statements reflecting the official policies of the Administration and to assure that such statements truly and adequately reflect such official policies, officials or employees shall coordinate such statements with the General Counsel or his designated representative before making such statements or appearing before any Congressional committees. In those instances where the exigencies of the situation do not permit such coordination, any official or employee concerned shall transmit promptly to the General Counsel a memorandum setting forth the statements furnished and the names of the persons seeking the statements, the committee with which that person is associated and such other relevant facts as may be deemed necessary to reflect a true statement of the information furnished.

The provisions of this regulation shall not impair or affect the right or duty as may be fixed by law of any official or employee of the Administration to testify before or give information to any duly authorized Congressional committee or member thereof; nor shall this regulation require any coordination of information given to Congressional committees with the General Counsel except as provided above for statements reflecting the official policies of the Administration.

(e) *Application of this section to other Government agencies.* This section shall not be applicable to official requests of other Governmental agencies or officers thereof acting in their official capacities unless it appears that compliance with such requests would be in violation of law, or contrary to the public interest. Cases of doubt should be referred to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator having charge of the subject matter involved.

(f) *Authority to waive this section.* The provisions of this section may be waived in proper cases by the Administrator, Associate Administrator, or General Counsel, or by the Deputy Administrator in charge of the subject matter involved.

§ 8401.10 *Addresses.* (a) The War Assets Administration, Temporary Buildings "I," "J," and "L," 19th and Independence Avenue SW Extended, Washington 25, D. C.. (1) Office of the Administrator, Room 2130 Tempo "I"· (2) Office of the Associate Administrator, Room 2129 Tempo "I"; (3) The General Board, Room 1129 Tempo "I"· (4) Compliance Division, Room 2064 Tempo "J"· (5) Information Division, Room 2112 Tempo "I"· (6) General Counsel, Room 1006 Tempo "I"; (7) Deputy Administrator for Management, Room 2001 Tempo "I"· (8) Deputy Administrator for Acquisitions and Fiscal Services, Room 2030 Tempo "J"· (9) Deputy Administrator for Personal Property Disposal, Room 1006 Tempo "J"· (10) Deputy Administrator for Aircraft and Electronics Disposal, Room 1058 Tempo "I"· (11) Deputy Administrator for Real Property Disposal, Room 1038 Tempo "I"

Issued this 23d day of July 1948.

JESS LARSON,
Administrator

[F. R. Doc. 48-6854; Filed, July 29, 1948; 8:49 a. m.]

[Operations Notice 2]

PART 8402—FIELD ORGANIZATION OF WAR ASSETS ADMINISTRATION

War Assets Administration Operations Notice 2, issued December 1, 1947, dated December 5, 1947, as amended February 25, 1948 (12 F. R. 8160, 13 F. R. 831) pursuant to Section 3 of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237) entitled "Field Organization of the War Assets Administration" is hereby revised and amended as hereinafter set forth.

Sec.
8402.1 Scope.
8402.2 Regional Offices.
8402.3 District Offices.
8402.4 Customer Service Centers.
8402.5 Location sales projects.
8402.6 Rules pertaining to official documents and the disclosure of information.

AUTHORITY: §§ 8402.1 to 8402.6, inclusive, issued under 58 Stat. 765, as amended, 59 Stat. 533; 50 U. S. C. App. Sup. 1611, 1614a, 1614b; Reorganization Plan 1 of 1947 (12 F. R. 4534).

§ 8402.1 *Scope.* This part sets forth the field organization of the War Assets Administration, showing the cities in which regional offices, district offices, and customer service centers are located, and outlining the functions and authority of the various types of field offices.

§ 8402.2 *Regional Offices*—(a) *Location.* Regional Offices are located in the following cities: Anchorage, Alaska; Atlanta, Georgia; Chicago, Illinois; Cincinnati, Ohio; Denver, Colorado; Grand Prairie, Texas; Honolulu, T. H., Kansas City, Missouri; New York, N. Y., Philadelphia, Pennsylvania; San Francisco, California; San Juan, Puerto Rico; and Seattle, Washington.

(b) *Functions.* Regional Offices, under the direction of a Regional Director, administer all activities of the War Assets Administration within their respective areas of jurisdiction, in accordance with the Surplus Property Act of 1944, as amended, and regulations, directives and orders issued pursuant thereto, and in accordance with instructions and procedures issued by the Washington Office. In general, the regional office organization and its assignment of functions follow the same basic pattern as that prescribed for the Washington Office in Part 8401 of this chapter.

(c) *Authority.* In general, regional directors are authorized to exercise wide authority and responsibility within their assigned regions without reference to the Washington office except as may specifically be provided for in the War Assets Administration regulations and procedures, and they are further authorized to redelegate to subordinate officials such part of that authority as they deem necessary to effective administration. Within the limits of their assigned functions, they are specifically authorized to award and execute contracts, documents, and other instruments necessary to effectuate the disposal of surplus property in accordance with applicable instructions as issued by the Washington Office; approve and make refunds and price adjustments without limitation as to amount in cases involving payment received in error, return of deposits to unsuccessful bidders, errors in computation, and other overpayment not involving legal questions or controversial facts; approve and make adjustments of claims, up to $50,000 in the instance of any one sales contract, as may be authorized by and warranted under express warranties contained in conditions of sale in sales memoranda and contracts; administer and conduct all personnel actions with respect to officers, employees, or applicants for employment within their respective regions involving positions below the level of division chief except those relating to suspensions from duty or separations from the service for cause; order or approve irregular or occasional overtime duty in excess of a 40-hour administrative work week; administer oaths as required by law in connection with employment; appoint Efficiency Rating Committees; execute the certificate as required by the act of March 3, 1905 (33 Stat. 1213; 44 U. S. C. 118) as to the necessity for the use of illustrations, engravings, or photographs in connection with the transaction of public business; order against contracts currently in force at the time of issuance, the publication in newspapers or advertisements, notices, and proposals relating to the disposal of surplus property pursuant to the provisions of Section 3828 of the Revised Statutes (44 U. S. C. 324), execute the certificate covering the use of the telephone for official long distance telephone calls as required under section 4 of the act approved May 10, 1939. (53 Stat. 738; 31 U. S. C. 680a)

§ 8402.3 *District offices*—(a) *Location.* District Offices, which report to the regional office in whose area of jurisdiction they are located, are maintained in the following cities: Birmingham, Alabama; Boston, Massachusetts; Cleveland, Ohio; Detroit, Michigan; Los Angeles, California; Louisville, Kentucky; Minneapolis, Minnesota; Nashville, Tennessee; New Orleans, Louisiana; Portland, Oregon; Richmond, Virginia; St. Louis, Missouri; and Salt Lake City, Utah.

(b) *Functions.* District offices perform functions which are confined chiefly to actual sales of personal property made in accordance with programs drawn up by the supervising regional office. The District Offices also may perform such inspection, warehousing and administrative functions as may be assigned by the regional director.

(c) *Authority.* Regional Directors are authorized to redelegate to District Directors such authorities as may be necessary to permit the District Directors to carry out the functions of their offices. The authority to perform the functions indicated is assigned to the directors of district offices, who are further authorized to redelegate to subordinate officials that part of such authority as they deem necessary.

§ 8402.4 *Customer Service Centers*—(a) *Location.* Customer Service Centers are located in the following cities: Birmingham, Alabama; Anchorage, Alaska; Phoenix, Arizona; Little Rock, Arkansas; Los Angeles, California; San Francisco, California; Denver, Colorado; Hartford, Connecticut; Wilmington, Delaware; Washington, D. C., Tampa, Florida; Atlanta, Georgia; Boise, Idaho; Chicago, Illinois; Indianapolis, Indiana; Des Moines, Iowa; Wichita, Kansas; Louisville, Kentucky; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; Detroit, Michigan; Minneapolis, Minnesota; Jackson, Mississippi; Kansas City, Missouri; St. Louis, Missouri; Helena, Montana; Omaha, Nebraska; Reno, Nevada; Manchester, New Hampshire; Linden, New Jersey; Albuquerque, New Mexico; Albany, New York; Buffalo, New York; New York, New York; Charlotte, North Carolina; Fargo, North Dakota; Cincinnati, Ohio; Cleveland, Ohio; Oklahoma City, Oklahoma; Portland, Oregon; Harrisburg, Pennsylvania; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; San Juan, Puerto Rico; Providence, Rhode Island; Columbia, South Carolina; Sioux Falls, South Dakota; Memphis, Tennessee; Grand Prairie, Texas; Houston, Texas; San Antonio, Texas, Honolulu, T. H., Salt Lake City, Utah; Burlington, Vermont; Richmond, Virginia; Seattle, Washington; Charleston, West Virginia; Milwaukee, Wisconsin; Casper, Wyoming.

(b) *Functions.* Customer Service Centers make sales of surplus property maintain information on current and planned sales of regions on advertised or unadvertised commodities, including aircraft, electronics, and real property; and arrange for proper servicing of priority claimants.

(c) *Authority.* Cutomer Service Managers are authorized to perform the functions outlined herein and to redelegate to subordinate officials such part of that authority as they deem necessary.

§ 8402.5 *Location sales projects.* Location sales projects are operated from time to time at various locations throughout the continental United States. Their object is to effect clearance of surplus property located at War Assets Administration warehouses or owning agency installations through on-the-spot sales at the particular location. These projects are usually temporary in nature. Notification as to the location of any specific sale is given through public advertising, newspaper advertising, or other media.

(b) *Functions.* Either under the direct supervision or control of War Assets Administration regional office personnel or under contractual arrangements with private merchandising agencies, the location sales projects dispose of all classes of surplus capital and producer goods and consumer goods to all types of purchasers, making sales from the location where the property is actually located, and providing at the location facilities for the preinspection of property, sales, collection of funds, extension of credit, servicing of priority claimants, and delivery of property to purchasers.

(c) *Authority.* Location sales project supervisors are authorized to perform all functions necessary in connection with the conduct of the specific program for the clearance of the location involved and are authorized to redelegate to subordinate officials such part of that authority as they deem necessary.

§ 8402.6 *Rules pertaining to official documents and disclosure of information*—(a) *Disposal of documents.* All records, opinions, claims, accounts, correspondence, and other official documents and exhibits attached or pertaining thereto, and copies thereof are the property of the Government. While copies of such documents may be temporarily kept in so-called personal custody of officials and employees to provide information for official use, they cannot be construed to be the personal property of officials and employees having such custody, even though other copies of such documents may be located in official files or elsewhere. Upon termination of employment in the War Assets Administration any official or employee shall surrender all official documents to his successor or to his immediate supervisor.

(b) *Confidential material.* No copy of, or information relative to, any such document or to any other official business of the Administration which appears to be of confidential nature, shall be given to any person unless such person obtains a court order or subpoena therefor, or makes application therefor in the manner hereinafter prescribed, and it appears to the Regional Director or Regional Counsel of the regional office having charge of the subject matter involved that the furnishing thereof would not be contrary to the public interest. Applications need follow no standard form but shall be addressed to the Regional Counsel of the region having charge of the subject matter involved and must set forth under oath the interest of the applicant in the subject matter and the purpose for which such copy or information is desired. Applications by duly accredited Governmental officials need not be under oath.

(c) *Testifying before courts, etc. (excluding Congressional Committees)* War Assets Administration officials and employees are prohibited from testifying in court or otherwise with respect to information obtained in their official capacities, without the prior approval of the Regional Director or Regional Counsel in whose region such official or employee is employed.

(d) *Congressional committees.* In order to give direction and coordination to statements reflecting the official policies of the Administration and to assure that such statements truly and adequately reflect such official policies, officials or employees shall coordinate such statements with the General Counsel or his designated representative before making such statements or appearing before any Congressional committee. In those instances where the exigencies of the situation do not permit such coordination, any official or employee concerned shall transmit promptly to the General Counsel a memorandum setting forth the statements furnished and the names of the persons seeking the statements, the committee with which that person is associated and such other relevant facts as may be deemed necessary to reflect a true statement of the information furnished.

The provisions of this regulation shall not impair or affect the right or duty as may be fixed by law of any official or employee of the Administration to testify before or give information to any duly authorized Congressional committee or member thereof; nor shall this regulation require any coordination of information given to Congressional committees with the General Counsel except as provided above for statements reflecting the official policies of the Administration.

(e) *Application of this section to other Government agencies.* This section shall not be applicable to official requests of other Governmental agencies or officers thereof acting in their official capacities unless it appears that compliance with such requests would be in violation of law, or contrary to the public interest. Cases of doubt should be referred to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator having charge of the subject matter involved.

(f) *Authority to waive this section.* The provisions of this section may be waived in proper cases by the Administrator, Associate Administrator, or General Counsel, or by the Deputy Administrator in charge of the subject matter involved.

Issued this 23d day of July 1948.

JESS LARSON,
Administrator.

[F. R. Doc. 48-6855; Filed, July 23, 1948; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN; PERMISSIBLE CONTENTS OF GIFT PARCELS

In § 127.284 *Japan*, of Subpart D (13 F R. 997, 2044) make the following change:

Amend paragraph (b) (3) (ii) to read as follows:

(ii) *Gift parcels.* (*a*) The parcels and relative customs declarations must be conspicuously marked "Gift Parcel" by the senders who must itemize the contents and value on the customs declaration.

(*b*) Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

(*c*) Gift parcels may contain only relief items such as nonperishable foods, mailable medicines in noncommercial quantities, soap, clothing, and other relief items in quantities which can reasonably be used by the addressee and his family. No gift parcel may contain more than 1,000 saccharine tablets or more than one item of tobacco, within the following limits:

(*1*) 200 cigarettes.
(*2*) 50 cigars.
(*3*) One-half pound of pipe tobacco.

The controlling authorities in Japan have limited as follows the quantities of food, mailable medicines, clothing, soap and other relief items which may be included in a single gift parcel:

Assorted foodstuffs: Up to 22 pounds.
Mailable medicines: Noncommercial quantities not requiring a doctor's prescription. The following specific items are specially limited to the amounts shown:
Penicillin, up to 2 million units.
Santonin, up to four ounces.
Phenacetin, up to two ounces.
Streptomycin, up to 50 ampules or 300,000 units.
Vitamins and similar products, 2 dozen ampules or 1 pound of tablets.
Aspirin, 2 ounces.
Sulfa drugs, 50 tablets.
New clothing:
Suits or dresses, adults, 1 of each size.
Suits or dresses, children, 2 of each size.
Underwear, 6 pairs.
Gloves, 3 pairs.
Socks and stockings, 1 dozen pairs.
Hats, caps and the like, 2 items.
Boots and shoes, 2 pairs.
Handkerchiefs, 1 dozen.
Towels, 1 dozen.
Sheets and such coverings, 5 items.
Textiles for clothing, woolen, sufficient for 2 suits.
Cotton or silk cloth, sufficient for 2 dresses.
Woolen yarn, 5 pounds.
Cotton thread (yarn), 2 dozen small rolls.
Sewing needles, 2 small packets.
Used Clothing: Moderate quantities using the above new-goods standard as a basis.
Soap: 2 dozen bars.
Other relief items:
Toilet goods or cosmetics, 6 items each.
Compacts, 2 items.
Handbags, 2 items.
Parasols, 2 items.
Games, balls, bats, gloves, etc., 2 each.
Toys and children's picture books, reasonable quantity.

The parcels are examined on receipt in Japan, and excessive quantities of relief items will be removed from the packages and delivered to a recognized relief agency for general distribution to the needy in the area where the addressee resides.

(*d*) Articles such as fountain pens, watches, cameras and other nonrelief items will not be permitted entry in gift parcels, and if they are included will be removed and only the admissible items delivered to the addressees.

(*e*) Gift parcels which are undeliverable will not be returned to senders but will be turned over to authorized Japanese relief agencies.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-6846; Filed, July 29, 1948; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS; IMPORT PERMIT

In § 127.307 *Netherlands*, of Subpart D (13 F R. 1012) make the following change:

In subparagraph (4) *Observations*, of paragraph (b) *Parcel post*, add the following as a new second paragraph to subdivision (ii)

It is understood that the term "paper values" includes paper money. The addressee must obtain the needed permission before the articles are mailed, and the sender should therefore mark the cover of the parcel "Importation Authorized by the Nederlandsche Bank."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-6845; Filed, July 29, 1948; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

FEDERAL CREDIT UNIONS

ORDER ADOPTING AND CONTINUING RULES AND REGULATIONS

By virtue of and pursuant to the authority vested in me by section 2 of the act of Congress of June 29, 1948, entitled "An act to transfer administration of the Federal Credit Union Act to the Federal Security Agency" (Pub. Law 813, 80th Cong., 2d sess.) *It is hereby ordered.* That pertinent provisions of §§ 350.0 to 351.4, inclusive, of Subchapter D, Chapter III, Title 12,[1] Code of Federal Regulations governing Federal Credit Unions be and the same are hereby adopted, to remain and continue in full force and effect from and after July 29, 1948, until further amended or superseded.

It has been ordered by the Federal Security Administrator: that all of the functions, powers and duties heretofore required to be exercised under said Subchapter D and applicable law by the Federal Deposit Insurance Corporation, its board of directors, or any committee, officers or employees thereof shall hereafter be exercised by the Bureau of Federal Credit Unions under the general direction and supervision of the Federal Security Administrator, as administered through the immediate direction of the Commissioner for Social Security and under the direct supervision of the Director of the Bureau of Federal Credit Unions; and all information, requests, submittals and applications heretofore required to be made to the Federal Deposit Insurance Corporation, its board of directors, committees, officers, employees, or District offices shall hereafter be made to the Bureau of Federal Credit Unions, Federal Security Agency, Washington 25, D. C.

It is hereby found that under the provisions of the Administrative Procedure Act (60 Stat. 237) notice of proposed rule making or public participation in this order is unnecessary because said order imposes no additional burdens or requirements upon the public and merely adopts and continues the substantive provisions of existing rules and regulations, which continuation is required by Public Law 813, 80th Congress, 2d Session, transferring the administration of the Federal Credit Union Act to the Federal Security Agency, effective July 29, 1948, on which date all authority of the Federal Deposit Insurance Corporation, with respect to the administration of said act, terminated.

It is, therefore, further ordered, That this order shall become effective July 29, 1948.

Dated: July 27, 1948.

C. R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

Approved: July 28, 1948.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 48-6898; Filed, July 28, 1948; 9:11 a. m.]

[1] See 13 F. R. 3968.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

PART 15—RESTRICTED RADIATION DEVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1948;

The Commission having under consideration a proposal to transfer certain sections dealing with low power devices, e. g., §§ 2.101 to 2.104, inclusive, of the rules and regulations, into a new part thereof, such part to be numbered and titled Part 15, Rules Governing Restricted Radiation Devices; and

It appearing, that the proposed amendments do not constitute substantive changes in, and in no way affect the requirements of, any rule, order or regulation of the Commission; and

It further appearing, that the nature of the proposed changes is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It is ordered, That, effective immediately, the present §§ 2.101 to 2.104, inclusive, of the Commission's rules and regulations, be and they are hereby, transferred to new Part 15 thereof, entitled "Rules Governing Restricted Radiation Devices," and shall be designated as §§ 15.1 to 15.4 inclusive, of said Part 15, as indicated below.

Released: July 22, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 15.1 *General.* Pending the acquiring of more complete information regarding the character and effects of the radiation involved, the following provisions shall govern the operation of the low power radio frequency electrical devices hereinafter described.

§ 15.2 *Apparatus excepted from requirements of other rules.* With respect to any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than

$$\frac{157{,}000}{f.\,(\text{kc.})}\ \text{ft.} \qquad \left[\ \frac{\lambda}{2\pi}\ \right]$$

the existing rules and regulations of the Commission shall not be applicable, provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of

$$\frac{157{,}000}{f.\,(\text{kc.})}\ \text{ft.} \qquad \left[\ \frac{\lambda}{2\pi}\ \right]$$

from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

§ 15.3 *Exceptions; interference to radio reception.* The provisions of §§ 15.1 and 15.2 shall not be construed to apply to any apparatus which causes interference to radio reception.

§ 15.4 *Inspection and test; certificates.* Upon request, the Commission will inspect and test any apparatus described in §§ 15.1 and 15.2, and on the basis of such inspection and test, formulate and publish findings as to whether such apparatus does or does not comply with the above conditions, and issue a certificate specifying conditions of operation to the party making such request.

[F. R. Doc. 48-6868; Filed, July 29, 1948; 8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 780-B]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission Division 3 held at its office in Washington D. C. on the 26th day of July A. D. 1948.

Upon further consideration of Revised Service Order No. 780 (12 F. R. 6833) as amended (13 F. R. 1980) and Service Order No. 780-A (13 F. R. 3277), and good cause appearing therefor: *It is ordered,* That:

Section 95.780 *Railroad freight cars to be stopped to complete loading,* be, and it is hereby, reinstated until otherwise modified or changed.

It is further ordered, That Service Order No. 780-A be vacated and set aside; that this order shall become effective 12:01 a. m., August 1, 1948, and copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 475, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-6863; Filed, July 29, 1948; 8:51 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-37]

PART 170—COMMERCIAL ZONES

COMMERCIAL ZONES AND TERMINAL AREAS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 19th day of July A. D. 1948.

Section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of any municipality being under consideration, and good cause appearing therefor: *It is ordered,* That:

1. Section 170.16, *Commercial zones determined generally, with exceptions,* (13 F. R. 1931) of the order entered in this proceeding on March 23, 1948, be, and it is hereby, vacated and set aside insofar as it defined the limits of the commercial zone (1) of any municipality in New Jersey, any part of which municipality is within 5 miles of the corporate limits of New York, N. Y., and (2) of any municipality in Westchester or Nassau Counties, N. Y.

2. Sections 170.11 and 170.12 are added as follows:

§ 170.11 *Commercial zones of municipalities in New Jersey within 5 miles of New York, N. Y., determined.* For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of any municipality in New Jersey any part of which is within 5 miles of the corporate limits of New York, N. Y., in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act (49 U. S. C. 303 (b) (8)) from regulation, is hereby determined to include, and to be comprised of, the following:

(a) The municipality itself hereinafter called the base municipality.

(b) All municipalities in New Jersey which are contiguous to the base municipality.

(c) All other municipalities, except New York, N. Y., or any borough thereof, and all unincorporated areas which are adjacent to the base municipality as follows:

(1) When the base municipality has a population less than 2,500, all unincorporated areas within two miles of its corporate limits and all of any other municipality, except New York, N. Y., or any borough thereof, any part of which is within two miles of the corporate limits of the base municipality,

(2) When the base municipality has a population of 2,500 but less than 25,000, all unincorporated areas within 3 miles of its corporate limits and all of any other municipality, except New York, N. Y., or any borough thereof, any part of which is within 3 miles of the corporate limits of the base municipality,

(3) When the base municipality has a population of 25,000 but less than 100,000, all unincorporated areas within 4 miles of its corporate limits and all of any other municipality, except New York, N. Y., or any borough thereof, any part of which is within 4 miles of the corporate limits of the base municipality, and

(4) When the base municipality has a population of 100,000 or more, all unincorporated areas within 5 miles of its corporate limits and all of any other municipality, except New York, N. Y., or any borough thereof, any part of which is within 5 miles of the corporate limits of the base municipality, and

(d) All municipalities wholly surrounded, or so wholly surrounded except for a water boundary, by the base municipality by any New Jersey municipality contiguous thereto; or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of paragraph (c) of this section.

§ 170.12 *Commercial zones of municipalities in Westchester and Nassau Counties, N. Y.* For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of any municipality in Westchester or Nassau Counties, N. Y., in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act (49 U. S. C. 303 (b) (8)) from regulation, is hereby determined to include, and to be comprised of, the following:

(a) The municipality itself hereinafter called the base municipality,

(b) All municipalities which are contiguous to the base municipality, except that when the City of New York is contiguous only the borough thereof which is nearest to the base municipality over land routes shall be included,

(c) All other municipalities and all unincorporated areas which are adjacent to the base municipality as follows:

(1) When the base municipality has a population less than 2,500, all unincorporated areas within two miles of its corporate limits and all of any other municipality any part of which is within two miles of the corporate limits of the base municipality, except that when the City of New York, N. Y., would be included under this provision only the borough thereof which is nearest to the base municipality over land routes shall be included,

(2) When the base municipality has a population of 2,500 but less than 25,000, all unincorporated areas within 3 miles of its corporate limits and all of any other municipality any part of which is within 3 miles of the corporate limits of the base municipality, except that when the City of New York, N. Y., would be included under this provision only the borough thereof which is nearest to the base municipality over land routes shall be included,

(3) When the base municipality has a population of 25,000 but less than 100,000, all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality, except that when the City of New York, N. Y., would be included under this provision only the borough thereof which is nearest to the base municipality over land routes shall be included, and

(4) When the base municipality has a population of 100,000 or more, all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality except that where the City of New York, N. Y., would be included under this provision only the borough thereof which is nearest to the base municipality over land routes shall be included, and

(d) All municipalities wholly surrounded, or so wholly surrounded except for a water boundary, by the base municipality, by any municipality or borough contiguous or adjacent thereto which is included in the commercial zone of such base municipality under the provisions of paragraphs (b) or (c) of this section.

3. Section 170.26 *Minneapolis-St. Paul, Minn.*, of the order entered in this proceeding on March 23, 1948 (13 F R. 1982) be and it is hereby vacated and for the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zones adjacent to and commercially a part of Minneapolis and St. Paul, Minnesota, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act (49 U. S. C. 303 (b) (8)) from regulation, are hereby determined to be coextensive and to include, to be comprised of, all that area within a line as follows:

All points within a line as follows: Beginning at the southern boundary of Fort Snelling Reservation and the Minnesota River and extending west and north along the southern and western boundaries of Fort Snelling Reservation to the southeast corner of the village of Richfield, thence west along the southern boundary of the village of Richfield and the southern boundary of the village of Edina to the southwest corner of the village of Edina, thence north along the western boundary of the village of Edina to the southern boundary of the village of Hopkins, thence along the southern, western, and northern boundaries of the village of Hopkins to the western boundary of the village of St. Louis Park, thence north along the western boundaries of the villages of St. Louis Park, Golden Valley and New Hope, to the northwestern corner of the village of New Hope, thence east along the northern boundary of the villages of New Hope and Crystal to the western boundary of the village of Brooklyn Center, thence north along the western boundary of the village of Brooklyn Center to its northern boundary, thence east along such northern boundary to the Hennepin County-Anoka County line, thence north along such County line to the northwestern corner of Fridley Township in Anoka County, thence east along the northern boundary of Fridley Township to the northwest corner of Mounds View Township in Ramsey County, thence east and south along the northern and eastern boundaries of Mounds View Township to the northwestern corner of New Canada Township, thence east and south along the northern and eastern boundaries of New Canada Township to the northeastern corner of the village of North St. Paul, thence south along the eastern boundary of the village of North St. Paul to the southeast corner of such village, thence south along the eastern boundary of New Canada Township to the northeastern corner of the village of Newport, thence south and west along the eastern and southern boundaries of the village of Newport to U. S. Highway 61, thence southeasterly along U. S. Highway 61 to the eastern boundary of the village of St. Paul Park, thence along the eastern, southern and western boundaries of the village of St. Paul Park to a point on the Mississippi River opposite the southeast corner of the village of Inver Grove, thence westerly across the river and along the southern and western boundaries of the village of Inver Grove to the northwest corner of such village thence due north to the southern boundary of Mendota Township in Dakota County, thence west along the southern boundary of Mendota Township to the Minnesota River, thence west across the river and southwesterly along the river to the point of beginning.

4. Section 170.27 *New Orleans, La.*, of the order entered in this proceeding on March 23, 1948 (13 F R. 1982), (erroneously shown in mimeographed copies thereof as § 107.27) be, and it is hereby vacated and set aside and for the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of New Orleans, Louisiana, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act (49 U. S. C. 303 (b) (8)) from regulation, is hereby determined to include, and to be comprised of, all that area within a line as follows:

All points within a line as follows: Commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line, thence easterly along the shore of Lake Pontchartrain to the Rigolets, through the Rigolets in an easterly direction to Lake Borgne; thence, southwesterly along the shore of Lake Borgne to the Bayou Bienvenue; thence in a general westerly direction along the Bayou Bienvenue (which also constitutes the Orleans Parish-St. Bernard Parish line), to Paris Road; thence, in a southerly direction along Paris Road and beyond it in the same direction to the middle of the Mississippi River; thence along the middle of the Mississippi River in an easterly then a southerly direction on the Orleans Parish-St. Bernard Parish line to the confluence of the Donner Canal on the west bank of the Mississippi River; thence in a north and westerly direction along the course of the Donner Canal to the Orleans Parish-Plaquemines Parish line; thence in a westerly direction along that line to the Jefferson Parish-Plaquemines Parish line thence in a westerly and a southerly direction along that line to its intersection with the tracks of the Missouri-Pacific Railroad at a point approximately four miles southeast of Gretna, La., thence along the tracks of the Missouri-Pacific Railroad in a northwesterly direction to a point approximately two miles south of Gretna where a high tension transmission line crosses the tracks of the Missouri-Pacific Railroad; thence in a westerly direction following such transmission line to the western boundary of Avondale; thence in a northeasterly direction along the western boundary of Avondale to the Mississippi River; thence northerly across the Mississippi River to the western boundary of Harahan; thence along the western boundary of Harahan to the railroad line of the Illinois Central Railroad; thence along the line of the Illinois Central Railroad to the Metaure Bayou; thence in an easterly and northerly direction along the Metaure Bayou to its intersection with the Airline Highway; thence along the Airline Highway in an easterly direction to Clearview Parkway; thence in a northerly direction along the Clearview Parkway to the shore of Lake Pontchartrain; thence along the shore of Lake Pontchartrain in an easterly direction to the Jefferson Parish-Orleans Parish line, the point of beginning.

(49 Stat. 546; 49 U. S. C. 303 (b) (8))

It is further ordered, That this order shall become effective September 1, 1948, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 48-6864; Filed, July 29, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1948–49 SEASON

Consideration is being given to the following proposals, submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $43,960.00 will be necessarily incurred during the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, as general overhead expenses for the maintenance and functioning of the said Control Committee and the commodity committees established under the aforesaid amended marketing agreement and order;

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment of $0.014 per hundred pounds, billing weight, of fruit shipped by such handler during said season;

(c) That the Secretary of Agriculture find that expenses (1) not to exceed $7,005.00 will be necessarily incurred during the aforesaid season by the Bartlett Pear Commodity Committee, (2) not to exceed $21,020.00 will be necessarily incurred during the aforesaid season by the Plum Commodity Committee, and (3) not to exceed $630.00 will be necessarily incurred during the aforesaid season by the Elberta Peach Commodity Committee as additional expenses in administering the regulation of shipments of fruit pursuant to sections 3, 4, and 5 of the amended marketing agreement and §§ 936.3, 936.4, and 936.5 of the amended order; and

(d) That the Secretary of Agriculture fix, as the share of such additional expenses which each handler shall pay in accordance with the said amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.006 per hundred pounds, billing weight, of Bartlett pears, $0.016 per hundred pounds, billing weight, of plums, and $0.001 per hundred pounds, billing weight, of Elberta peaches shipped by such handler during said season and with respect to which regulations are made effective pursuant to the aforesaid sections of the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, Room 1846 South Building, United States Department of Agriculture, Washington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler," "shipped," "fruit" and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.8)

Issued this 26th day of July 1948.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 48-6857; Filed, July 29, 1948; 8:49 a. m.]

[7 CFR, Part 975]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture with respect to a proposed amendment to the order, as amended, and to the tentative marketing agreement, regulating the handling of milk in the Cleveland, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendment to the order, as amended, and the tentative marketing agreement was formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposals filed by the Milk Producers Federation of Cleveland, the Milk Market Survey Committee of Cleveland, Ohio, and the Wayne Cooperative Milk Producers, Inc. The public hearing was held at Cleveland, Ohio, on March 18 and 19, 1948, pursuant to notice duly published in the FEDERAL REGISTER (13 F. R. 1326).

The material issues presented on the record of the hearing and covered by this decision are whether:

(1) The requirements for pool plant qualification and for the maintenance of pool plant status should be revised.

(2) A revision should be made in the method of pricing certain products in Class III milk.

(3) Ice cream operations of handlers should be made exempt from the reporting and classification provisions of the order.

(4) Any mileage limit should be fixed beyond which certain product items may not be moved from a pool pant to a nonpool plant in fluid form unless classified as Class I milk.

(5) The classification of milk and cream transferred to a manufacturer of soup, candy, or bakery products should be changed from Class I milk to Class III milk.

(6) The reclassification provisions should be revised to limit their application to skim milk and butterfat in storage less than 60 days.

(7) The percentage that producer receipts must exceed Class I utilization before total Class I utilization can be allocated to producer milk should be increased.

(8) Weekly announcement should be made by the market administrator of (i) prices of nonfat dry milk solids; and (ii) average prices resulting from the butter-nonfat dry milk solids formula.

(9) The method of computing the price of Class II milk should be revised.

(10) A long term revision of the seasonal pattern of the Class I milk price differential should be made.

Other issues (temporary revision of the level and seasonal pattern of the Class I price differential and the need for emergency action on such revision) were the subject of a decision issued on April 19, 1948.

Findings and conclusions. Upon the basis of the evidence introduced at the hearing the following findings and conclusions on the material issues decided herein are hereby made:

(1) The requirements for pool plant qualification and for the maintenance of pool plant status should be revised.

It was proposed by producers that the requirements for the original qualification and for the maintenance of plants (other than bottling plants) as pool plants be revised. The particular proposal offered would change current qualification provisions to require such an approved plant to deliver to a bottling plant at least 50 percent of its entire receipts of milk from dairy farmers during five consecutive delivery periods before becoming a pool plant in the sixth delivery period. It also would require a listed pool plant (other than that operated by the Milk Producers Federation of Cleveland) to deliver to a bottling plant at least 50 percent (instead of 10 percent) of its dairy farm supply within

each of the three most recent delivery periods, excluding April, May, June and July.

The effect of this proposal would be to make the requirements for the entry of new plants into the market pool more stringent than at present and also would make necessary stricter delivery performance by plants already designated as pool plants. In support of this proposal it was pointed out that new plant sources of milk have been and may be needed over a period of time to meet market needs for fluid milk and cream and should not be denied entry into the market pool. However, it was contended that reasonable evidence should be shown by a plant prior to entry into the pool that it intends to deliver more or less permanently to the market. It was stated that unless a new plant is shipping at least 50 percent of its dairy farm supply to the market, it would be evident that the primary interest of the plant is elsewhere and, without shipping at least such percentage of its supply, it should not be entitled to full-fledged pool plant status in the pool, with detrimental effect on the prices established for producers producing regularly for the marketing area. Similarly, it was contended that plants already qualified should meet an equivalent supply performance standard in October, November, December, and January, the short production season, in order to remain in the market pool.

A comparison of the needs of the marketing area for fluid milk and cream in the months of October through January with total receipts of milk at pool plants now shipping discloses that substantially more than 50 percent of the receipts of milk at such plants during such months is needed to fulfill the fluid milk and cream requirements. All plants currently qualified as pool plants have shipped more than 50 percent of their respective dairy farm receipts during these months of relatively low farm production. Market experience with respect to plants that have become pool plants since the effective date of the order discloses that such plants have not found it a hardship to deliver the minimum percentage now proposed. Although a less strict standard of delivery performance was established at the inception of the original order and has been in effect since that time, there is considerable logic in the statements that delivery of at least 50 percent of its supply by a new plant for a reasonable period before entry into the pool is the best evidence of a primary and permanent interest in the market and that plants recognized as pool plants should be those that furnish the Cleveland marketing area with a stable supply of milk. It appears that a delivery requirement of 50 percent of dairy farm receipts for a 6-month qualifying period which must include the months of short production is not unreasonable in the light of market experience. Prospective pool plants should be encouraged to begin shipments to a bottling plant during the season of declining producer receipts and should furnish the required amount of milk during the short production months before qualifying as a pool plant. To this end completion of the qualifying period prior to April 1 of any year is necessary. However, the proposal of the producers should be modified so as not to burden the market with unduly heavy supplies during the flush production season. For this reason the months of April through July, inclusive, should be eliminated as qualifying months.

In the case of a system of plants operated by the same handler, the above qualifying requirements should apply to each plant in the system to avoid qualification of plants which, because of location or for other reasons, are not logical sources of supply for the marketing area. Once qualified, however, the requirements for maintaining pool plant status should be allowed to apply to a system of pool plants as a whole when operated by the same handler to permit the economies of larger shipments from plants nearest the marketing area or from plants not having manufacturing facilities.

When milk is sorely need, as is the case in the short production season, the requirements for delivery of milk by plants already qualified should be as strict as for plants new to the market. It should be mandatory for plants (or plant system) already qualified to ship 50 percent or more of receipts in October, November, December, and January to maintain qualification. In order to avoid the delivery of burdensome supplies from country plants to bottling plants when less milk is necessary, it is provided, however, that only a minor percentage (10 percent) need be shipped by such plants during February, March, August, and September and none during April through July.

These conditions of delivery are reasonable under the existing supply situation to prevent adverse effect on minimum producer prices arising from shipments by plants looking to the marketing area as a temporary outlet for milk and as an encouragement in the future to the production of adequate supplies of pure and wholesome milk.

(2) The method of pricing certain Class III milk products should be revised.

Producers proposed that the price of skim milk used in the production of evaporated or condensed skim or whole milk, powdered malted milk and cottage cheese be determined by subtracting a specified butterfat value from the 18 manufacturing plant average pay-price (one of the three alternative basic formula prices provided in the order) Handlers, on the other hand, proposed to price skim milk used in these products on the basis of the Class III skim milk price which has prevailed in recent months with respect to the remaining Class III products and is determined by a formula based on the average price of roller process nonfat dry milk solids at Chicago area manufacturing plants.

The original Cleveland order provided for pricing skim milk used in the subject products at the higher of the 18 plant pay-price or the butter-cheese formula price, with 30 percent of the price allocated to skim milk. This resulted in a price which both handlers and producers considered as not promoting orderly marketing of skim milk and, after a period during which the order provision was suspended, an amendment was issued reducing the price of skim milk in these products by 7½ cents per hundredweight. This price also was found later not to be appropriate under prevailing conditions and the amended provision was suspended at the requests of both producers and handlers. Since the latter suspension, the Class III skim milk price based on the price of nonfat dry milk solids has applied to skim milk used in all Class III products. It is the price arrived at by the latter formula that handlers proposed be continued in pricing skim milk used to produce the above named products as well as that used in the manufacture of other Class III items.

Of the products involved in the proposal, only bulk condensed skim milk and cottage cheese are large volume outlets for producer milk. Handlers contended that the price for skim milk based on the powder price represents a fair value for skim milk used in these products. Producers objected to this price as reflecting a value too low to yield a fair return to producers for such skim milk. Their proposal to use instead the price paid farmers by the 18 manufacturing plants was supported on the basis that these plants produce evaporated and condensed milk primarily and the price they pay farmers for milk corresponds closely to that paid by similar plants in the Cleveland production area.

The price for skim milk is computed under the producers' proposal by multiplying by 120 the price of Chicago 92-score butter and subtracting 3.5 times this amount from the average pay price of the 18 manufacturing plants. It is observed that a skim milk price so computed would have increased 213 percent from September 1947 to January 1948, while the market price of condensed skim milk shipped to Cleveland increased only 23 percent. Moreover, in four of the last five months of 1947, the proposed skim milk price would have been below the price for such skim milk effective under the order, which proponents contend is already too low.

The relationship shown by the record between the market price of plain condensed skim milk in bulk shipped to Cleveland from outside plants and the open market price of nonfat dry milk solids provides a preferable basis for determining the value of skim milk from producer milk used in the manufacture of condensed skim milk and cottage cheese. An appropriate price level for such skim milk may be arrived at by adding to the skim milk price for the remaining Class III milk products a differential representing the average amount by which the value of nonfat solids in condensed skim milk from outside sources exceeds the value of nonfat solids in the form of roller process dry milk. This differential over a representative period is shown by the record to be the equivalent of approximately 40 cents per hundredweight of skim milk. It is provided, therefore, that skim milk derived from producer milk and used for condensed skim milk, powdered malted milk, and cottage cheese shall be priced at the per hundredweight skim milk price for nonfat dry milk solids,

plus 40 cents. Such formula will maintain a reasonable relationship between the price of skim milk used in the subject products and the price of bulk condensed skim milk imported from outside plants.

Objections to both the original formula and amended formula set forth under § 975.6 (d) (3) in the past were raised on the basis that such formulas failed to reflect reasonable values for skim milk disposed of in the form of condensed skim milk, the principal item covered by such price provision. Although the proposal submitted by producers does not satisfy the need for a new formula for this purpose, it appears to be an appropriate formula for pricing skim milk utilized in the manufacture of evaporated or condensed milk (or skim milk) in hermetically sealed cans since the formula offered ties the pricing of skim milk and butterfat so used directly to the prices paid for milk by representative manufacturing plants engaged in this activity. It is concluded that the method proposed by producers should be adopted for the purpose of pricing skim milk in evaporated or condensed milk (or skim milk) in hermetically sealed cans.

(3) Ice cream operations of handlers should not be made exempt from the reporting and classification provisions of the order.

Handlers proposed to exclude all ice cream operations from coverage by the reporting and classification provisions of the order irrespective of whether the ice cream is made by the handler in a pool plant or in a nonpool plant which is located within the marketing area. In testimony on this proposal it was contended that the allocation of other source milk to the lowest-priced utilization has placed handlers making ice cream at a cost disadvantage with handlers engaged only in the fluid milk and cream business. It was alleged also that the price applicable to skim milk derived from producer milk and utilized in the manufacture of ice cream has become so out of line with the price of condensed skim milk from outside plant sources that the handler is placed at a substantial price disadvantage with the non-handler selling ice cream in the marketing area in the purchase of this important ingredient of ice cream.

It appears that the case for exemption sums up primarily to requests for (i) a cost of skim milk derived from producer milk and utilized for ice cream manufacture equivalent to the cost of condensed skim milk from outside sources, and (ii) the elimination of an inequity which has arisen between those handlers who make ice cream and those not engaged in ice cream manufacture in the determination of their respective costs of milk purchased from producers. It has been concluded in another part of this decision that the price of skim milk derived from producer milk and made into condensed skim milk for use as Class II milk and Class III milk should be adjusted to be appropriately related to the price of condensed skim milk available to handlers from other sources. It is provided also in this decision that the prices of butterfat in Class I milk shall remain at all times at or above the price level of butterfat in Class II milk. Because of the latter actions which are designed to remove the disadvantages claimed by handlers who make ice cream concerning their total cost of product, and the relationship between their costs and the costs of strictly fluid milk and cream handlers, the reasons offered in support of the exemption of ice cream operations are not persuasive. It is very desirable, of course, that producers' milk be utilized to the best advantage in the market. It is felt that this objective may be accomplished more successfully if the ice cream operations of handlers in pool plants and in nonpool plants located within the marketing area remain subject to the reporting and classification provisions as provided by the amendment of September 1, 1947.

(4) The provision (§ 975.5 (b) (1) (ii)) relating to the classification as Class I milk of certain product items transferred in fluid form more than 160 miles from a pool plant to a nonpool plant should be revised.

It was first proposed by handlers that § 975.5 (b) (1) (ii) in connection with the classification as Class I milk of certain product items when moved in fluid form from a pool plant to a nonpool plant outside the marketing area, be deleted. In the supporting testimony an alternative plan was offered which would provide for the classification of transfers of the specified items as Class I milk if moved to a nonpool plant located more than 265 miles from the City of Cleveland. Under the present provision, such product items are classified as Class I milk when transferred to a nonpool plant located more than 160 miles from the transferring pool plant, even though the latter plant may not be a bottling plant. The purpose of the proposal was to make accessible to all pool plants, including bottling plants, adequate facilities for the disposition of surplus milk for manufacturing uses.

Pool plants situated in the country at substantial distances from the marketing area are closer to the locations of milk manufacturing plants and have within a 160 mile radius a greater number of manufacturing outlets for surplus milk than do bottling plants in or near the marketing area. Because milk and certain other product items in fluid form are classified and priced as Class I milk when moved more than 160 miles from a pool plant, bottling plants in or near the marketing area claim a price disadvantage in the disposal of milk in excess of marketing area needs resulting from the great distance it is necessary to move such milk for manufacturers. Such products when moved in fluid form to manufacturing plants within a 160 mile radius of a pool plant are not necessarily priced as Class I milk at the present time. All manufacturing plants used for the removal of surplus milk from the market are situated within a 265 mile radius of Cleveland.

The attached amendment adopts the alternative suggestion of the handlers and sets the mileage figure in § 975.5 (b) (1) (ii) at 265 miles from the Public Square in Cleveland. The Public Square is named in the provision in order to have a common basing point for the determination of mileage, as provided currently in connection with location differential provisions. It is believed that the adoption of this change will make adequate manufacturing facilities accessible, within a reasonable distance to all pool plants for the transfer of surplus milk for manufacturing uses and will eliminate any price disadvantage in this respect which some pool plants, particularly bottling plants, may have had under the previous provision.

(5) The handler should be given a credit at the difference between the applicable Class I price and the highest Class III milk price with respect to skim milk and butterfat transferred during April, May, June or July as any item listed in § 975.5 (b) (1) (i) to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

Handlers proposed the classification as Class III milk of milk, skim milk, cream, and certain other milk products disposed of in fluid form when transferred from a pool plant to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

The record indicates that in past years, prior to the inception of the order, surplus milk, skim milk, and cream were disposed of to soup, candy, and bakery manufacturing establishments, particularly during the flush production season. Such manufacturers currently purchase substantial quantities of milk, skim milk, and cream and are in a position to purchase supplies on a wide market without reference to the health inspection requirements of the Cleveland marketing area. Most of these potential outlets for Cleveland seasonal surplus are located outside the marketing area. Cleveland handlers allege that they have lost access to this potential outlet because such sales have been and are now classified under the order as Class I milk at a price which does not permit them to compete for such business with other sellers not under the order. It was pointed out that the need for this additional outlet is in the months of flush production when a seasonal surplus of milk develops.

The attached amendment provides for the computation of a credit to handlers in connection with the type of disposition in question. The credit applies to any such disposition during April, May, June, or July and is computed at the difference between the respective Class I skim milk and butterfat prices and the highest of the Class III prices for skim milk and butterfat. This revision of the order will make available additional outlets for surplus milk by making it possible for handlers to compete for such business on the basis of a purchase cost reasonably in line with that of their competitors not purchasing under the order. However, in view of the accessible outlets for seasonal surpluses of milk in the form of evaporated milk and condensed skim milk the returns to producers from sales to manufacturers of soup, candy, or bakery products should be as high as returns from the most favorable alternative uses. Provision for a price credit appears to be the simplest method of achieving the desired objec-

tive. Orderly marketing of milk in excess of marketing area requirements during the flush production season should be promoted by this change.

(6) The reclassification provisions of the order should not be changed.

Handlers proposed that skim milk or butterfat placed in storage for a period of at least 60 days shall not be subject to reclassification although used actually in a different class following such 60-day period. According to the testimony, the problem involves primarily the reclassification of condensed skim milk from Class III milk to Class II milk when utilized in ice cream manufacture after storage. The total skim milk and butterfat reclassified from Class III milk in 1947 was about 1½ percent of the amount originally classified as Class III milk.

A similar proposal, except for the inclusion of the 60-day limitation, was considered at a previous hearing. The latter proposal was denied for reasons applicable to the proposal now under consideration since no change in market conditions affecting the principle of reclassification was shown to have occurred since the previous decision. Handlers are not required to store skim milk or butterfat but may dispose of it at the time of receipt and purchase on the open market any amounts needed later in the year. If such products are stored, higher class prices in the fall and winter months tend to offset package and storage costs and risk of spoilage, since reclassification is based on class price differences in the month when stored. The proposed change would tend also to lower returns to producers and to discourage production at a time when more production is needed. Moreover, the particular problem presented in support of the proposal on reclassification has been dealt with in connection with the revised plan for pricing Class II milk, in another part of this decision. In view of these considerations it is concluded the classification provisions as now in effect should not be changed.

(7) The percentage that producer receipts must exceed Class I utilization before total Class I utilization may be allocated to producer milk should be revised. (For the purpose of the discussion on this conclusion the term "Class I uses" excludes sales of cream and reconstituted skim milk and Class I transfers to pool or nonpool plants.)

Handlers proposed that other source milk equal to any amount by which 115 percent of Class I uses of a handler exceeds his producer milk receipts be allocated to Class I milk. The requested change was based on testimony that one handler needed monthly amounts of milk ranging from 117 percent to 119 percent of Class I uses to cover fluctuations in fluid milk demand. At a previous hearing this handler's needs were given as ranging between 112 percent and 114 percent (from testimony incorporated into the record by reference) Handlers are penalized, it was claimed, by whatever amount of milk may be required to meet fluid milk needs over and above 105 percent of Class I uses when not covered by receipts of producer milk, because other source milk bought for these purposes is classified in a lower class and producer milk received is allocated to Class I milk up to 95 percent of Class I uses.

Objections of producers to the proposal were that in months when market receipts of producer milk are in excess of market Class I uses by more than the amount required to cover normal sales fluctuations, shortages of producer milk at individual plants are due to improper distribution of producer milk, for which producers should not be penalized; that any increase in the 105 percent figure would tend to lower returns to producers; and that in any case where the percentage allowance might be greater than needed, other source milk would be an unwarranted displacement of producer milk in Class I.

It appears that handlers sometimes require more producer milk than 105 percent of Class I uses if all Class I uses are to be supplied without purchase of other source milk for this purpose, in view of testimony that a Cleveland Health Department regulation prevents milk from being held over to the second day for disposition in the form of fluid milk. It appears also that receipts of producer milk have been insufficient for market needs in only four months of the year and below the actual Class I uses of the market as a whole in only two months. During months in which there is sufficient producer milk for the total Class I uses of the market, individual handlers may be short of producer milk because of improportionate distribution. Distribution of producer milk among handlers more nearly in proportion to Class I uses should be encouraged rather than permit the ready substitution of other source milk for such uses when they might be supplied with producer milk.

Any such percentage allowance fixed should be set sufficiently low to encourage handlers to utilize a maximum amount of producer milk in Class I uses. It appears desirable to increase the percentage only from 105 to 110 percent at this time and to limit the application of the increased percentage to the delivery periods of October, November, December, and January, the months of lowest milk production. In the other months other source milk should not be allocated to Class I except to the extent that the handler's producer receipts may fall below 100 percent of his Class I uses.

(8) The provisions of § 975.6 (a) (3) (ii) and § 975.6 (d) (2) should not be revised to provide for the announcement weekly by the market administrator of (i) the average price of nonfat dry milk solids, or (ii) the average prices resulting from the butter-nonfat dry milk solids formula.

It was proposed by handlers that the price provisions of the order be revised to provide for the weekly announcement by the market administrator of the average price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b., manufacturing plants in the Chicago area and of the price resulting from the butter-nonfat dry milk solids formula. This proposal was based on the assumption that prices f. o. b. such plants are available on a weekly basis to the market administrator under Order No. 41 for the Chicago, Illinois, marketing area. It was argued that if the information is available to the Department of Agriculture through the office of the market administrator at Chicago, it should be made available to the Cleveland handlers by means of the suggested revision to the Cleveland order.

The assumption on which this proposal was based is incorrect. The prices in question are compiled by the Bureau of Agricultural Economics and are first published in the form of a monthly average price on one day each month in the publication of the Chicago office of the Dairy and Poultry Market News Service (PMA) entitled "Daily Market Report." The data requested are not available in a form which permits the weekly announcements requested.

(9) The method of pricing Class II milk should be revised.

Handlers proposed that the method of computing the price of Class II milk be revised to provide that skim milk in Class II uses be priced on the same basis as Class III skim milk. It was alleged that the price of the skim milk component of milk in such class is too high in relation to the open market price of condensed skim milk and that the existing price relationship favors buying condensed skim milk on the open market for ice cream manufacture as against purchasing order-priced milk to obtain skim milk for such use. Evidence was submitted concerning relative costs of purchasing condensed skim milk on the open market and of purchasing and processing skim milk derived from producer milk for use in ice cream. It was contended also that ice cream manufacturers selling in the marketing area but operating outside the scope of the order are in a position to purchase condensed skim milk for ice cream somewhat cheaper than handlers operating under the order.

This proposal follows a proposal for a reduction in the price of Class II milk made at a prior hearing and discussed in a decision dated August 15, 1947. In such decision, it was concluded that a reduction in the price of Class II milk should be made, provided that the price of butterfat in Class II milk should not be less than the price of Class III butterfat. The price of Class II milk, on the basis of 3.5 percent butterfat, was reduced 20 cents per hundredweight in each month of the year and the 20-cent reduction was divided between skim milk and butterfat by allocating 6 cents of the reduction to the skim milk and 14 cents to the butterfat in arriving at the reduced prices for the individual components of milk.

This reduction was made effective September 1, 1947. A further reduction in the price of the skim milk component of milk for Class II uses is now in order. It is provided that the price of Class II skim milk be decreased to be the same as the price applicable to skim milk used to produce bulk condensed skim milk in Class III milk. Although the evidence suggests that the prices of butterfat in Class II milk have not been as high as would be appropriate, no change is being made in this respect without further exploration.

(10) The Class I price differentials for the months of July through February should not be revised at this time, but the prices of butterfat in Class I milk should be retained at or above the price of butterfat in Class II milk.

Handlers proposed that the Class I price differentials for the months of January, February, July, and September be increased 15 cents per hundredweight and for the months of August, October, November, and December be increased 30 cents. This proposal for a permanent change in the level and seasonal pattern of Class I prices was considered at the hearing in connection with a producer proposal to maintain spring nad summer Class I differentials in 1948 at the previous winter level of $1.15. Both proposals were offered in the interest of stimulating fall and winter milk production. Testimony centered largely on the estimated effects of the two proposed price revisions for this purpose. However, the changes proposed by producers were considered necessary as an emergency proposition to stimulate primarily fall and winter milk production this year in the light of prevailing milk supply conditions, anticipated higher spring and summer prices in competing markets, low inventories and relatively higher prices for feed, relatively attractive prices for other livestock and cattle for slaughter and high dairy farm labor costs. These changes were made effective by a decision issued April 19, 1948.

The testimony offered in support of a price increase was directed mainly to the supply problem facing the market this year and to the immediate prices to be paid to producers. Although the question of wide seasonal variation in production, a problem recurring from year to year, was approached in connection with the long-term proposal of the handlers, other factors pertinent to consideration of a proposal to substantially change the level of Class I milk prices were not pursued. Further examination of the long-term aspects of pricing would seem to be appropriate before a decision is reached on long-term changes in prices. Whether additional price changes may be necessary for this fall and winter should not be determined until the approach of the months of short production in the late summer or early fall. At that time, the prices and supplies of feed, relative prices of other livestock, the level of the basic formula price, and other market factors may be considerably changed from those prevailing at the time of the last hearing. If any further price changes appear to be necessary to maintain adequate milk production, they can best be determined by consideration of market conditions at the time such need becomes more apparent. In view of these considerations and of reasons supporting the action taken in the April 19 decision to maintain the winter level of Class I price differentials through August, it is recommended that no further changes be made in Class I price differentials at this time.

Because of the plan of "forward pricing" adopted last September following a proposal by handlers there have been delivery periods when the prices of Class I butterfat have fallen below the prices of both Class II and Class III butterfat. This might happen again unless precautions are taken to prevent it. In order to maintain an appropriate relationship among the class price levels and to remove the possibility of resulting temporary inequities in charges to handlers, particularly to those who make ice cream, it is concluded that the prices of butterfat in Class I milk should not be permitted to fall below the price of butterfat in Class II milk. To maintain the differential which has been found desirable between the price of butterfat in cream and in other Class I products, butterfat in the products other than cream should be maintained at a price level not less than 3 cents per pound above the price of Class II butterfat. The order already provides that Class II butterfat shall not be priced below butterfat in Class III milk. Any increase in the price of butterfat in Class I milk to prevent it from falling below the price of Class II butterfat will result under the Class I price formula, in a corresponding reduction in the price of skim milk in Class I milk so that the hundredweight price of 3.5 percent Class I milk will not be changed.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Milk Market Survey Committee and the Milk Producers Federation of Cleveland. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or reach such conclusions are denied on the basis of the facts found and stated in connection with this decision.

Recommended marketing agreement and amendment to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 975.3 (a) (2) (ii) and substitute therefor the following:

(ii) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to subparagraph (3) of this paragraph.

2. Delete § 975.3 (a) (3) and substitute therefor the following:

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period and within each of the five consecutive preceding delivery periods, excluding April, May, June, and July, furnished milk to a pool plant described in subparagraph (1) of this paragraph in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period: *Provided,* That these requirements are completed by such plant prior to April 1 of any year.

3. Delete § 975.3 (c) and substitute therefor the following:

(c) *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(1) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished to a pool plant described in paragraph (a) (1) of this section less than 10 percent of its dairy farm supply of milk in any of the months of February, March, August, or September and less than 50 percent of such supply during any of the months of October, November, December, and January: *Provided,* That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this subparagraph: *And provided further,* That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

4. Delete § 975.5 (b) (1) (ii) and substitute therefor the following:

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 265 miles from

the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator;

5. Delete § 975.5 (g) (2) and substitute therefor the following:

(2) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received.

6. Delete § 975.6 (b) (2) and substitute therefor the following:

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided,* That in no event shall (i) the price of butterfat pursuant to this subparagraph for sweet or sour cream, or of any mixture of cream and milk (or skim milk), be less than the price computed pursuant to paragraph (c) (2) of this section, or (ii) the price of butterfat for the remaining items of Class I milk be less than the price of butterfat computed pursuant to paragraph (c) (2) of this section plus $3.00.

7. Delete § 975.6 (c) (3) and substitute therefor the following:

(3) The price of skim milk shall be that computed pursuant to the first proviso in paragraph (d) (2) of this section.

8. Delete subparagraphs (2) and (3) of § 975.6 (d) and substitute therefor the following:

(2) The price of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents, and then multiplied by 8.5: *Provided,* That the price of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened) cottage cheese, and powdered malted milk shall be such price, plus 40 cents: *And provided also,* That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be the price resulting from the following computation:

(i) Multiply by 0.035 the price of butterfat computed pursuant to subparagraph (1) of this paragraph prior to the proviso therein;

(ii) Subtract such amount from the price computed for the next succeeding delivery period pursuant to subparagraph (1) of paragraph (a) of this section;

(iii) Divide this result by 0.965, and round off to the nearest full cent.

9. At the end of § 975.7 (a) replace the period with a colon and add the following proviso: *"And provided also,* That such handler shall be credited at the difference between the applicable Class I prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to each hundredweight of any item specified in § 975.5 (b) (1) (i) disposed of during April, May, June or July to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations."

Filed at Washington, D. C., this 26th day of July 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator

[F. R. Doc. 48-6856; Filed, July 29, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN FOR ALLOCATION OF PIG IRON FOR CERTAIN INDUSTRIES REQUIRING CAST IRON FOR MANUFACTURE OF PRODUCTS FOR RESIDENTIAL HOUSING

The Secretary of Commerce, pursuant to the authority invested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the pig iron producing industry and manufacturers of certain products for residential housing, and after expression of the views of industry, labor and the public generally at an open public hearing held on June 11, 1948) has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the proposed program for (1) the construction of new residential housing at the rate of 1,000,000 units during the calendar year 1948 and at the same average annual rate of new housing construction during the first two months of 1949, and (2) the essential maintenance and repair of existing residential housing units, the pig iron producers participating herein will, during the period July 1, 1948 and ending February 28, 1949, make pig iron available or will cause pig iron to be made available (out of the production of their own furnaces or the furnaces of their subsidiaries or affiliates) to manufacturers (hereinafter called the manufacturers) of cast iron pressure pipe and/or fittings, cast iron soil pipe and/or fittings, cast iron radiation, cast iron boilers, cast iron castings for warm air furnaces, cast iron plumbing drainage products, cast iron castings for low water cut-offs and boiler feeders, cast iron castings for circulating pumps and built in water heaters, cast iron relief and reducing valves, gray and malleable iron screwed fittings and recess drains and iron body valves, in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities of such pig iron so to be made available by each of the pig iron producers shall, except as may be otherwise specified in any such pig iron producer's acceptance hereof, be such as the Secretary of Commerce (after consultation with the Pig Iron Producers Advisory Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable in order to accomplish, as nearly as may be, the supply of pig iron on an average monthly basis, necessary to fulfill the purposes of this plan.

Each pig iron producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to make such pig iron available for the purposes of this plan in amounts additional to the amounts provided for in the acceptance of this plan.

(b) Such pig iron will be made available under such contractual arrangements as may be made by the respective pig iron producers or their subsidiaries and affiliates with the respective manufacturers, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders of customers or to the delivery of pig iron, or to the allocation of business among such manufacturers, nor will any request or authorization be made to such pig iron producers for any limitation or restriction on the production or marketing of any such pig iron. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any pig iron producer shall not affect the prices or terms and conditions on which any such pig iron as is made available is actually sold and delivered.

(c) The quantities of pig iron which each pig iron producer will make available, or cause to be made available, in any month may be reduced, or at its option the delivery thereof may be postponed in direct proportion to any production losses which it or its subsidiaries or affiliates shall sustain during any such month due to causes beyond its or their control.

(d) Each pig iron producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of pig iron shipped, pursuant to such purchase orders, in any monthly period

or periods during the operation of this plan.

3. (a) By participation herein, the several manufacturers shall be obligated to use all pig iron made available hereunder solely to the manufacture of products herein specified suitable for use in the construction, maintenance or repair of residential housing; not to resell or transfer any part thereof (except to such subsidiary or affiliate as may be designated by any such manufacturer for the fabrication of such end products) in the form received by such manufacturers; and not to build up inventory of such pig iron beyond current needs for the purposes hereof. Each purchase order for pig iron to be made available hereunder shall bear the following certification of the manufacturer placing such purchase order:

We hereby certify and agree that the pig iron specified in this order will be used for the production of _____ and that this order is placed under Section 3 (a) of the Voluntary Plan authorized by Public Law 395 for Allocation of Pig Iron for Certain Industries Requiring Cast Iron for the Manufacture of Products for Residential Housing.

(d) The individual manufacturers participating herein will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce showing by plants (1) the quantity of their respective end products scheduled for production during the succeeding month under the program, (2) the net tonnage of castings required for the manufacture of such end products during the succeeding month, (3) the net tonnage of pig iron necessary to produce said castings, (4) the total quantities of pig iron received from all sources, (5) the quantity and types of products manufactured during the preceding month, and (6) other relevant information. After receiving such monthly schedules and reports the Secretary of Commerce, with the advice of the Task Committee representing the afore-mentioned industries, will relate such estimated requirements to the over-all program. The quantities of pig iron to be made available under the program to each individual manufacturer will be determined by the Secretary of Commerce after consultation with such Task Committees.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of pig iron producers and Manufacturers by the Secretary of Commerce, any such pig iron producer or manufacturer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such pig iron producers and manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter or by publication in the FEDERAL REGISTER, not less than sixty days prior to such earlier date.

6. Any such pig iron producer or manufacturer may withdraw from this plan by giving not less than sixty days' written notice of its intention so to do to the Secretary of Commerce.

Approved: June 28, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: June 25, 1948.

PEYTON FORD,
Acting Attorney General.

JUNE 23, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Pig Iron for Certain Industries Requiring Cast Iron for the Manufacture of Products for Residential Housing, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the quantities of pig iron which it has been initially determined by me, with the advice of the Industry Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period July 1, 1948 to February 28, 1949, on an average monthly basis for the purposes of the Plan.

Requests of like tenor are being directed to all other pig iron producers proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, 80th Congress, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

JUNE 23, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Pig Iron for Certain Industries Requiring Cast Iron for the Manufacture of Products for Residential Housing, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan as it relates to the production of _____. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

Since the matter of arranging early allocations of pig iron is essential to carrying out the purposes of the Plan, I must know as promptly as possible how many consuming manufacturers desire to participate. I trust therefore, that I may have your favorable response on or before July __, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with the Department of Commerce Voluntary Plan for Allocation of Pig Iron for Certain Industries Requiring Cast Iron for the Manufacture of Products for Residential Housing was sent to the Pig Iron Producers listed on an attachment filed with the original document.

[F. R. Doc. 48-6347; Filed, July 29, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7237, 8694, 8695, 8730, 8743, 8782, 8840, 9024]

ALLEGHENY BROADCASTING CORP. ET AL.

CORRECTED ORDER CONTINUING HEARING

In re applications of Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 7287, File No. BPCT-147; Westinghouse Radio Stations, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221; WPIT, Incorporated, Pittsburgh, Pennsylvania, Docket No. 8695, File No. BPCT-241; WWSW Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8743, File No. BPCT-276; WCAE, Incorporated, Pittsburgh, Pennsylvania, Docket No. 8782, File No. BPCT-293; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; Matta Broadcasting Company, Pittsburgh, Pennsylvania, Docket No. 9024, File No. BPCT-432; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on July 19, 1948, at Pittsburgh, Pennsylvania; and

Whereas, a petition has been filed in the matter of the amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) requesting the addition of a television channel to the Pittsburgh area;

It is ordered, This 9th day of July 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending termination of the proceeding in the matter of of the amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) pursuant to paragraph 2 of the Public Notice dated May

21, 1948, entitled "Procedure Governing Holding of Television Hearings"

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6869; Filed, July 29, 1948; 8:52 a. m.]

[Docket No. 8276]

COCONINO BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Coconino Broadcasting Company, Flagstaff, Arizona, Docket No. 8276, File No. BP-5667; for construction permit.

The Commission having under consideration a petition filed July 15, 1948, by Coconino Broadcasting Company, Flagstaff, Arizona, requesting a continuance of the hearing presently scheduled for July 21, 1948, at Washington, D. C., upon its above-entitled application for construction permit;

It is ordered, This 16th day of July, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6870; Filed, July 29, 1948; 8:52 a. m.]

[Docket No. 8435]

KICKAPOO PRAIRIE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Kickapoo Prairie Broadcasting Company, Inc., Springfield, Missouri; Docket No. 8435, File No. BP-5823; for construction permit.

Whereas, the above-entitled application is presently scheduled to be heard on July 29, 1948, at Washington, D. C., and

Whereas, there is pending before the Commission a petition for reconsideration and grant without hearing filed on March 19, 1948;

It is ordered, This 16th day of July 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending action on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6871; Filed, July 29, 1948; 8:52 a. m.]

[Docket No. 8427]

DOUGLAS L. CRADDOCK (WLOE)

ORDER CONTINUING HEARING

In re application of Douglas L. Craddock (WLOE), Leaksville, North Carolina, Docket No. 8427, File No. BML-1253; for modification of license.

Whereas, the above-entitled application is presently scheduled to be heard on July 28, 1948, at Washington, D. C., and

Whereas, there is pending before the Commission a petition for reconsideration and grant without hearing filed on May 14, 1948;

It is ordered, This 16th day of July 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending action by the Commission on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6872; Filed, July 29, 1948; 8:52 a. m.]

[Docket No. 8485]

SUFFOLK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Suffolk Broadcasting Corporation, Coram, Long Island, New York, Docket No. 8485, File No. BMPH-409; for modification of construction permit.

The Commission having under consideration a petition filed July 12, 1948, by Suffolk Broadcasting Corporation, Coram, New York, requesting a continuance in the hearing presently scheduled for July 30, 1948, at Coram, New York, upon its above-entitled application for modification of FM construction permit;

It appearing, That there is pending before the Commission a petition for reconsideration and grant without hearing filed on September 9, 1947;

It is ordered, This 16th day of July, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending action on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6873; Filed, July 29, 1948; 8:52 a. m.]

[Docket No. 7339]

BERKS BROADCASTING CO. (WEEU)

ORDER SCHEDULING HEARING

In re application of Berks Broadcasting Company (WEEU) Reading, Pennsylvania, Docket No. 7339, File No. BP-4380; for construction permit.

Whereas, the above-entitled application was designated for hearing on June 2, 1948;

It is ordered, This 16th day of July 1948, that the hearing on the above-entitled application be, and it is hereby, scheduled for August 23, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6874; Filed, July 29, 1948; 8:53 a. m.]

[Docket No. 9095]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER DESIGNATING APPLICATION FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 9095, File No. P-C-1882; for a certificate under section 221 (a) of the Communications Act of 1934, as amended.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 21st day of July 1948;

The Commission having under consideration the application filed on June 23, 1948, by the Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by the Southwestern Bell Telephone Company of certain telephone plant and property of J. B. Bohlen, Mary Elizabeth Bohlen, S. Lloyd Williamson and Freda Lee Williamson, located in and around Nicoma Park, Oklahoma, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 23d day of August, 1948, and that a copy of this order shall be served on the Southwestern Bell Telephone Company, J. B. Bohlen, Mary Elizabeth Bohlen, S. Lloyd Williamson and Freda Lee Williamson; and also on the Governor of Oklahoma, the Corporation Commission of the State of Oklahoma, the Postmaster and the city of Nicoma Park, Oklahoma, and the Postmaster and the city of Choctaw, Oklahoma;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Oklahoma County, Oklahoma, and shall furnish proof of such publication at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6875; Filed, July 29, 1948; 8:53 a. m.]

[Designation Order 24]

DESIGNATION OF MOTIONS COMMISSIONER FOR AUGUST 1948

At a session of the Federal Communications Commission held at its offices in

Washington, D. C. on the 21st day of July 1948;

It is ordered, Pursuant to §1.111 of the Commission's rules and regulations, that E. M. Webster, Commissioner, be, and he is hereby, designated as Motions Commissioner for the month of August 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6876; Filed, July 29, 1948; 8:53 a. m.]

AM STATIONS WMTW AND WAAB

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on June 25, 1948, there was filed with it an application (BAL-747) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM stations WMTW Portland, Maine, and WAAB, Worcester, Massachusetts, from the Yankee Network, Incorporated, to Radio Enterprises, Incorporated. The proposal to assign the license arises out of a lease agreement between assignor and assignee pursuant to which the assignee agrees to lease from the assignor all of the equipment used or useful in the operation of WAAB and WMTW including existing studio and transmitter space for a period of five (5) years for a minimum rental of Three Hundred Twenty-Five Thousand Dollars ($325,000.00) computed on the basis of Sixty-Five Thousand Dollars ($65,000.00) for the physical facilities of WMTW and Two Hundred Sixty Thousand Dollars ($260,000.00) for the physical facilities of WAAB, payable in equal installments of Five Thousand Dollars ($5,000.00) in advance of each four (4) week period throughout the term of the lease. In addition, the lessee is guaranteed a minimum of network commercial time in the event lessee affiliates the stations with The Yankee Network, Incorporated. Such an affiliation will also vest certain rights of adjustment with respect to the minimum rentals specified in the agreement. The lessor has the option to demand one year's rental, Sixty-Five Thousand Dollars ($65,000.00) in advance.

Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 16, 1948, that starting on July 17, 1948, notice of the filing of the application would be inserted in The Worcester Telegram and Gazette, Worcester, Massachusetts, and the Press-Herald, Portland, Maine, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 17, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6877; Filed, July 29, 1948; 8:53 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

OKMULGEE BROADCASTING CORP.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on July 9, 1948 there was filed with it an application (BTC-659) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Okmulgee Broadcasting Corporation, licensee of station KHBG, Okmulgee, Oklahoma, from Lucille Ross Buford, Paschal Buford and Sam W. Ross to Times Publishing Company. The proposal to transfer control arises out of a contract of May 27, 1948 pursuant to which Lucille Ross Buford, Paschal Buford and Sam W. Ross propose to sell their aggregate holdings of 100 shares of the capital stock of the licensee, representing 100% of the issued stock, to Times Publishing Company, for a total consideration of $125,000 to be paid $25,000 on Commission approval and the balance in five equal annual installments of $20,000 each plus 4½% interest per annum. Transferors will retain the notes and accounts receivable of the corporate licensee as of the date of the transfer, and will assume all liens and liabilities against the corporation as of the same date. Lucille Ross Buford and Paschal Buford will retain rent-free for two years the occupancy of one room in the building where the station is located and will reserve for themselves a desk, a chair, a typewriter, an automobile and an airplane, all now part of the corporate licensee's assets. Transferee has already paid $10,000 in earnest money. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on July 20, 1948 notice of the filing of the application would be inserted in the Okmulgee Daily Times a newspaper of general circulation at Okmulgee, Oklahoma, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 20, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1036; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6878; Filed, July 29, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-701]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 26, 1948.

Notice is hereby given that, on July 23, 1948, the Federal Power Commission issued its order entered July 22, 1948, amending order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6834; Filed, July 29, 1948; 8:46 a. m.]

[Docket No. G-803]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER FURTHER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 26, 1948.

Notice is hereby given that, on July 23, 1948, the Federal Power Commission issued its order entered July 22, 1948, further amending order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6835; Filed, July 29, 1948; 8:46 a. m.]

[Docket No. G-1022]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER TERMINATING PROCEEDING

JULY 26, 1948.

Notice is hereby given that, on July 22, 1948, the Federal Power Commission issued its order entered July 20, 1948, cancelling Supplement No. 13 to United Gas Pipe Line Company's Rate Schedules FPC Nos. 9, 10, and 11, and terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6836; Filed, July 29, 1948; 8:46 a. m.]

[Docket Nos. G–1013, G–1023, G–1029, G–1031]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULES TO TAKE EFFECT

JULY 26, 1948.

In the matters of Panhandle Eastern Pipe Line Company et al., Docket No. G–1023; Michigan Public Service Commission, Docket No. G–1029; New York Public Service Commission, Docket No. G–1031, City of Grand Rapids et al. v. Michigan Consolidated Gas Company et al., Docket No. G–1013.

Notice is hereby given that, on July 22, 1948, the Federal Power Commission issued its order entered July 22, 1948, allowing Supplement No. 11 to Panhandle Eastern Pipe Line Company's Rate Schedule FPC No. 12, and Supplement No. 8 to Panhandle's Rate Schedule FPC No. 113 to take effect as of July 17, 1948, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–6837; Filed, July 29, 1948; 8:46 a. m.]

[Docket Nos. G–1013, G–1023, G–1029, G–1031]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULE TO TAKE EFFECT

JULY 26, 1948.

In the matters of Panhandle Eastern Pipe Line Company et al., Docket No. G–1023; Michigan Public Service Commission, Docket No. G–1029; New York Public Service Commission, Docket No. G–1031, City of Grand Rapids, et al. v. Michigan Consolidated Gas Company, et al., Docket No. G–1013.

Notice is hereby given that, on July 23, 1948, the Federal Power Commission issued its order entered July 23, 1948, allowing Supplement No. 10 to Panhandle Eastern Pipe Line Company's Rate Schedule FPC No. 108 to take effect as of July 23, 1948, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–6838; Filed, July 29, 1948; 8:46 a. m.]

[Project No. 503]

IDAHO POWER CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ACTUAL LEGITIMATE ORIGINAL COST AND PRESCRIBING ACCOUNTING THEREFOR

JULY 26, 1948.

Notice is hereby given that, on July 23, 1948, the Federal Power Commission issued its order entered July 20, 1948, determining net changes in actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–6839; Filed, July 29, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1537]

COLUMBIA GAS SYSTEM, INC., AND BINGHAMTON GAS WORKS

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 23d day of July 1948.

In the matter of the Columbia Gas System, Inc. (formerly Columbia Gas & Electric Corporation) Binghamton Gas Works; File No. 70–1537.

The Columbia Gas System, Inc. ("Columbia") a registered holding company, and its subsidiary, Binghamton Gas Works ("Binghamton") having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) 9, 10 and 12 thereof and Rule U-23 promulgated thereunder, with respect to the issue and sale by Binghamton to Columbia of $1,350,000 principal amount of 3¼% notes, due in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive, the proceeds of such notes to be used by Binghamton for the purpose of financing its construction program; and

The Public Service Commission of New York having on July 1, 1948, issued its order authorizing Binghamton to issue and sell to Columbia 3¼% notes in a principal amount not exceeding $500,000, said order providing that the proceeding before it be continued with respect to the issue and sale of additional notes by Binghamton; and

Columbia and Binghamton having requested that with respect to the pending joint application-declaration the Commission issue its order with respect to $500,000 principal amount of 3¼% notes and that the joint application-declaration with respect to the remaining $850,000 principal amount of 3¼% notes be continued pending until further action by the Public Service Commission of New York; and

Said joint application-declaration having been filed on May 27, 1947, and the last amendment thereto having been filed on July 14, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amended joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interests of investors and consumers that said amended joint application-declaration be granted and permitted to become effective with respect to $500,000 principal amount of said 3¼% notes:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid amended joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith with respect to the issue and sale by Binghamton to Columbia of $500,000 principal amount of 3¼% notes and that said amended joint application-declaration be continued pending with respect to $850,000 principal amount of 3¼% notes.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48–6840; Filed, July 29, 1948; 8:46 a. m.]

[File No. 70–1699]

COLUMBIA GAS SYSTEM, INC., AND HOME GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

In the matter of The Columbia Gas System, Inc. (formerly Columbia Gas & Electric Corporation) Home Gas Company; File No. 70–1699.

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 23d day of July 1948.

The Columbia Gas System, Inc. ("Columbia") a registered holding company and its subsidiary, Home Gas Company ("Home") having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) 9, 10 and 12 thereof, and Rule U-23 promulgated thereunder, with respect to the issue and sale by Home to Columbia of $1,500,000 principal amount of 3¼% notes, due in equal annual installments on August 15 of each of the years 1950 to 1974 inclusive, the proceeds of such notes to be used by Home for the purpose of financing its construction program; and

The Public Service Commission of New York having on July 1, 1948 issued its order authorizing Home to issue and sell to Columbia, 3¼% notes in a principal amount not exceeding $800,000, said order providing that the proceeding before it be continued with respect to the issue and sale of additional notes by Home; and

Columbia and Home having requested that with respect to the pending joint application-declaration the Commission issue its order with respect to $800,000 principal amount of 3¼% notes and that the joint application-declaration with respect to the remaining $700,000 principal amount of 3¼% notes be continued pending until further action by the Public Service Commission of New York; and

Said joint application-declaration having been filed on December 3, 1947, and the amendment thereto having been filed on July 14, 1948, notice of such filing having been duly given in the manner

prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amended joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interests of investors and consumers that said amended joint application-declaration be granted and permitted to become effective with respect to $800,000 principal amount of said 3¼% notes:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid amended joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith with respect to the issue and sale by Home to Columbia of $800,000 principal amount of 3¼% notes and that said amended joint application-declaration be continued pending with respect to $700,000 principal amount of 3¼% notes.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6841; Filed, July 29, 1948; 8:47 a. m.]

[File Nos. 31-552, 60-2, 60-3]

MARINE MIDLAND TRUST CO. OF NEW YORK ET AL.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION AND MODIFYING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July 1948.

In the matter of The Marine Midland Trust Company of New York as trustee under pension trust agreement dated December 14, 1937; File No. 31-552; Trustees under Pension Trust Agreement dated December 14, 1937, Employees Welfare Association, Incorporated (Delaware) Employees Welfare Association, Inc. (New Jersey) File No. 60-2, 60-3.

The Marine Midland Trust Company of New York ("Marine Midland") a trust company organized under the Banking Laws of the State of New York, has filed an application and an amendment thereto (File No. 31-552) pursuant to the Public Utility Holding Company Act of 1935 requesting an order finding and declaring that it, as Trustee under Pension Trust Agreement dated December 14, 1937, is not a subsidiary of General Public Utilities Corporation ("GPU") [1] a registered holding company, and that it, as such trustee, is not an affiliate of GPU or of New England Gas and Electriot Association ("NEGAS"), also a registered holding company. Marine Midland further requests that such declaration of status apply to any successor trustee which is a bank or trust company organized under the laws of the State of New York or under the National Banking Act, or which is a member of the Federal Reserve System or whose deposits are insured by the Federal Deposit Insurance Corporation. We are requested to modify, in conformity with the declaration of status sought, our order entered April 14, 1939, in proceedings under File Nos. 60-2 and 60-3 (4 S. E. C. 792) by which order we declared that the following companies were subsidiaries of AGECO and were affiliates of AGECO and of NEGAS:

Trustees under Pension Trust Agreement dated December 14, 1937 ("Pension Trust").
Employees Welfare Association, Incorporated (Delaware) ("EWA DEL.").
Employees Welfare Association, Inc. (New Jersey) ("EWA N. J.").

The principal function of the three companies was, and continues to be, the administration of a life insurance and retirement pension plan for the benefit of employees of participating companies now or previously in the AGECO (now GPU) system.

At the time of our prior order Pension Trust consisted of three individual trustees, two of whom were employees of an AGECO subsidiary. Our findings also noted the requirement of the trust agreement that all investments purchased or sold by the trustees should first be approved by a majority of the investment committee, which consisted of three persons appointed by EWA N. J. We further pointed out that the funds of Pension Trust had been invested almost exclusively in securities issued by companies in the AGECO system.

Section 2 (b) of the act provides that the Commission shall revoke an order holding any person to be an affiliate or subsidiary whenever it finds that the circumstances giving rise to such order no longer exist. There have been a number of significant changes in the relationship between Pension Trust on the one hand and GPU and NEGAS on the other, viz.,

(1) GPU now holds no interest in NEGAS, and the affiliation between them which existed at the time of our prior order no longer appears to exist. Since Pension Trust's affiliation with NEGAS arose through the affiliation of both with GPU (then AGECO) there appears to be no present affiliation between Pension Trust and NEGAS.

(2) The pension trust agreement has been amended to remove the control over investments of Pension Trust formerly exercised by EWA N. J. through its investment committee and to restrict future investments to securities and other investments permitted by the laws of the State of New York for the investment of funds of insurance companies. Whereas at the time of our prior order the trust's portfolio consisted almost entirely of AGECO securities, it is now composed entirely of government obligations, and Marine Midland has stipulated that it will in the future acquire no securities of any company in the GPU system.

(3) At the time of our previous order, a majority of the individual trustees were closely identified with the AGECO system. However, on August 26, 1947, there was entered in the Supreme Court of the State of New York for the County of New York a final order judicially settling the accounts of and accepting the resignations of the individual trustees and confirming the appointment of Marine Midland as successor trustee. The record discloses no relationship between Marine Midland and any of the companies in the GPU system such as would indicate an affiliate status.

Marine Midland has stipulated that so long as it continues as trustee it will supply this Commission with copies of such annual and other reports of its operations as it may make generally available to employer companies for which accounts are held in trust. It also stipulates that it will not resign as trustee or consent to the appointment of a successor trustee without having given written notice to this Commission.

We find, in the light of the foregoing, that there has been a change in circumstances sufficient, within the meaning of section 2 (b) of the act, to require a revocation of our prior order to the extent requested by Marine Midland.

Notice of filing of application was given on June 14, 1948. No hearing has been requested and we do not deem it necessary that a hearing be held. Accordingly,

It is ordered, That the application of Marine Midland for an order finding and declaring that it, as trustee under Pension Trust Agreement dated December 14, 1937, and that any successor trustee thereunder which is a bank or trust company organized under the laws of the State of New York or under the National Banking Act, or which is a member of the Federal Reserve System or whose deposits are insured by the Federal Deposit Insurance Corporation, is not a subsidiary of GPU and is not an affiliate of GPU or of NEGAS, be, and it hereby is, granted, subject to the condition that Marine Midland and any successor trustee or trustees comply with the provisions of the stipulation filed herein by Marine Midland, failing which the effect of this order shall be automatically terminated.

It is further ordered, That the order of the Commission entered April 14, 1939 in File Nos. 60-2 and 60-3 (4 S. E. C. 792), finding and declaring that EWA Del., EWA N. J. and Pension Trust were subsidiaries of AGECO and were affiliates of AGECO and of NEGAS, be, and the same hereby is, modified in conformity with the foregoing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6842; Filed, July 29, 1948; 8:47 a. m.]

[1] GPU is successor in reorganization to Associated Gas and Electric Company ("AGECO").

[File No. 70-1873]

MISSISSIPPI GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder by Mississippi Gas Company ("Mississippi") a subsidiary of Southern Natural Gas Company, a registered holding company subsidiary of Federal Water and Gas Corporation, also a registered holding company.

Notice is further given that any interested person may, not later than August 5, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law and fact raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 5, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) or Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below.

Mississippi proposes to issue and sell to the First National Bank of Birmingham, Alabama, $640,000 principal amount of 3% Serial Notes due 1948 to 1956 inclusive. The proceeds from the sale of these notes are to be used in part for the redemption by Mississippi of $240,000 principal amount of outstanding 2% Serial Notes due 1948 to 1956, and the balance thereof for the construction of additional facilities to the properties of Mississippi. It is represented that the presently outstanding notes must be retired in connection with the additional financing since the present note agreement does not permit the issuance of additional securities senior to or on a parity with the outstanding notes. It is further represented that no fees, commissions, or other remunerations are to be paid directly or indirectly in connection with the issuance or sale of the proposed notes, except incidental legal fees estimated at $1,500. It is stated in the filing that no state or federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6843; Filed, July 29, 1948; 8:47 a. m.]

[File No. 70-1822]

GENTILLY DEVELOPMENT CO., INC., AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1948.

Notice is hereby given that Electric Power & Light Corporation ("Electric") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company and Electric's non-utility subsidiary, Gentilly Development Company, Inc. ("Gentilly") have filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a) (2) 7, 12 (c) and 12 (f) of the act, and Rule U-46 thereunder as applicable to the proposed transactions which are summarized as follows:

Gentilly is engaged primarily in the holding of land which it is endeavoring to sell. Its assets consist of cash in the amount of $296,570.31 and approximately 300 acres of unimproved real estate located in the City of New Orleans. All of its capital stock, consisting of 1,478 shares and having a stated value of $1,478,186, is owned by Electric. Gentilly has no securities outstanding with the public nor any liabilities other than current tax accruals in the amount of $665.79.

The application-declaration, as amended, states that of the present cash on hand, $250,000 is not needed for corporate purposes and it is proposed to pay such amount to Electric as a return of capital.

Applicants-declarants propose that the paid-in value of the capital stock of Gentilly be reduced from $1,478,186.76 to the sum of $73,909.34 or from a nominal value of $1,000 per share to a nominal value of $50 per share. It is further proposed that the capital surplus arising from said reduction in capital be used to charge off organizational expenses in the amount of $1,738.05 and to charge off the Profit and Loss deficit of $195,063.24 existing as of February 29, 1948. The amount of $250,000 proposed to be paid to Electric as a partial dividend in liquidation would be charged to the capital surplus to be created.

The application-declaration, as amended, further states that as further additional cash liquidating dividends are paid by Gentilly to its stockholder, each such dividend will be described as a return of capital and as a payment out of unearned surplus, and that the amount thereof will be credited by such stockholder to the carrying value of its investment in the common stock of Gentilly.

The application-declaration, as amended, states that Gentilly is endeavoring to sell its land and reduce all its assets to cash with the end in view of liquidation as a step towards the reorganization of Electric in accordance with a plan filed by Electric pursuant to section 11 (e) of the act (File No. 54-139).

The application-declaration, as amended, further requests that the order of the Commission recite that the proposed transactions are necessary or appropriate to the integration or simplification of the holding company system of which Electric is a member and necessary or appropriate to effectuate the provisions of section 11 of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The application-declaration, as amended, requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than August 11, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 11, 1948, at 5:30 p. m., e. d. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-6844; Filed, July 29, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11567]

EMMA AND FRANK WERNERT

In re: Bond owned by Emma Wernert and Frank Wernert. F-28-12711-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Wernert and Frank Wernert, each of whose last known address is Kaiserin Augusta Victoria Str. 18, Koepenick bei Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain obligation, matured or unmatured, of 1400 Lake Shore Drive Corporation, 1400 Lake Shore Drive, Chicago, Illinois, evidenced by one (1) 1400 Lake Shore Drive Corporation

twenty-year first and refunding mortgage income registered bond, due July 1, 1953, of $1,000 face value, bearing the number M800 and registered in the names of Emma Wernert and Frank Wernert, together with any and all accruals to the aforesaid obligation and any and all rights in, to and under the aforesaid bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof-are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 1, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-6880; Filed, July 29, 1948; 8:53 a. m.]

[Vesting Order 11595]

WILLIAM P KULKA AND MRS. PAUL KULKA

In re: Stock and bank account owned by William P Kulka, also known as Paul W Kulka, as Wilhelm Paul Kulka, as W P. Kulka, and as Paul Pulka, and stock owned by Mrs. Paul Kulka, also known as Eloysa Hahner, as Aloysia Maria Kulka and as Aloysia Maria Hahner. F-28-28407-D-1, F-28-28407-D-2, F-28-28407-E-1, F-28-28407-E-2, F-28-11988-C-1, F-28-11988-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William P. Kulka, also known as Paul W. Kulka, as Wilhelm Paul Kulka, as W P. Kulka, and as Paul Pulka, and Mrs. Paul Kulka, also known as Eloysa Hahner, as Aloysia Maria Kulka and as Aloysia Maria Hahner, whose last known address is Haydnstrasse 6, (16) Fulda, U. S. Zone, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. One hundred (100) shares of common stock of the Nash Motor Corporation (now known as Nash-Kelvinator Corporation), 14250 Plymouth Road, Detroit 32, Michigan, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered NY138201, registered in the name of William P. Kulka, and presently in the custody of the Division of Protective Services, Department of State, Washington, D. C., together with all declared and unpaid dividends thereon, and all rights allocable to said shares arising out of the merger of the aforesaid corporation with the Nash-Kelvinator Corporation, including, but not limited to, the right to receive shares of $5.00 par value common capital stock of said Nash-Kelvinator Corporation, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of $1.00 par value common capital stock of Kresge Department Stores, Inc. (in liquidation) 715 Broad Street, Newark, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C6606, registered in the name of William P. Kulka, and presently in the custody of the Division of Protective Services, Department of State, Washington, D. C., together with all declared and unpaid dividends thereon, and all rights under the liquidation of the aforesaid corporation allocable to said shares, including, but not limited to, the right to receive liquidation payments and shares of common capital stock of The Fair,

c. Four hundred (400) shares of $1.00 par value capital stock of El Canada Mines, Inc., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NJ1010, registered in the name of W. P. Kulka, and presently in the custody of the Division of Protective Services, Department of State, Washington, D. C., together with all declared and unpaid dividends thereon,

d. Four hundred (400) shares of $1.00 par value capital stock of El Canada Mines, Inc., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NJ1027, registered in the name of W. P. Kulka, and presently in the custody of Mrs. Caroline Jestaedt, 50 Huber Place, Yonkers, New York, together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation owing to William P. Kulka, also known as Paul W. Kulka, as Wilhelm Paul Kulka, as W. P. Kulka, and as Paul Pulka, by the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, account number 1,015,-117, entitled W. P. Kulka, maintained at the branch office of the aforesaid bank located at 4th Avenue at 14th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to William P. Kulka, also known as Paul W. Kulka, as Wilhelm Paul Kulka, as W. P. Kulka, and as Paul Pulka, by the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, account number 1,209,-353, entitled Paul Kulka, maintained at the branch office of the aforesaid bank located at 4th Avenue at 14th Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

g. That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a Blocked Common Dividend account, entitled Kresge Department Stores, Inc., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William P. Kulka, also known as Paul W. Kulka, as Wilhelm Paul Kulka, as W P. Kulka, and as Paul Pulka, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows:

One hundred (100) shares of $1.00 par value common capital stock of the Segal Lock & Hardware Co., Inc., 395 Broadway, New York 13, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered NYC45102, registered in the name of Eloysa Hahner, and presently in the custody of Mrs. Caroline Jestaedt, 50 Huber Place, Yonkers, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Paul Kulka, also known as Eloysa Hahner, as Aloysia Maria Kulka and as Aloysia Maria Hahner, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-6881; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11610]

LILY GRUETTER ENGELS

In re: Bank account, stock, and bonds owned by Lily Gruetter Engels, also known as Lilly Gruetter Engel. F-28-3760-E-1, F-28-3760-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lily Gruetter Engels, also known as Lilly Gruetter Engel, on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of the First National Bank in Sidney, Sidney, New York, arising out of a savings account, account number 5928 entitled Lilly Engel, Mrs. Marie Hanni, Trustee, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

b. Four (4) United States Treasury 2½% bonds, three with a face value of $1,000.00 each, and one of $500.00 face value and presently in the custody of Mrs. Marie Hanni, 47 West Main Street, Sidney, New York, and any and all rights thereunder and thereto, and

c. Sixty (60) shares of stock of Massachusetts Investors Trust, evidenced by certificates registered in the name of and presently in the custody of Mrs. Marie Hanni, 47 West Main Street, Sidney, New York, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lily Gruetter Engels, also known as Lilly Gruetter Engel, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-6882; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11641]

MARTIN L. BAMMAN

In re: Trust under the will of Martin L. Bamman, deceased. File No. D-28-9281, E. T. sec. 12183.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Mathilde Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the Will of Martin L. Bamman, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Walter L. Bamman and Asbury Park National Bank & Trust Company, as trustees, acting under the judicial supervision of the Monmouth County Orphans' Court, Freehold, New Jersey

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6883; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11646]

JINNOSUKE IIJIMA

In re: Rights of Jinnosuke Iijima under insurance contract. File No. F-39-59-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jinnosuke Iijima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7790649, issued by the New York Life Insurance Company, New York, New York, to Jinnosuke Iijima, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Jinnosuke Iijima, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6884; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11652]

SHIGEHIKO MATSUNO

In re: Rights of Shigehiko Matsuno under insurance contract. File No. F-39-81-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigehiko Matsuno, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8054627, issued by the New York Life Insurance Company, New York, New York, to Shigehiko Matsuno, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-6885; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11653]

BUNTARO OZAWA

In re: Rights of Buntaro Ozawa under insurance contracts. Files Nos. F-39-93-H-1 and F-39-93-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Buntaro Ozawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 7897340 and 8239128, issued by the New York Life Insurance Company, New York, New York, to Buntaro Ozawa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6886; Filed, July 29, 1948; 8:54 a. m.]

[Vesting Order 11657]

NAOJI AND HANAYE SEKO

In re: Rights of Naoji Seko and Hanaye Seko under insurance contract. File No. F-39-99-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naoji Seko and Hanaye Seko, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8,740,195, issued by the New York Life Insurance Company, New York, New York, to Naoji Seko, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Naoji Seko or Hanaye Seko, nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6887; Filed, July 29, 1948; 8:54 a. m.]

JASTRZAB AND WJR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Walery Rudnicki, Proprietor, d/b/a "Jastrzab" & "WJR" Chmielna Street 25 m. 15, Warsaw, Poland; 5738; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $921.03.

Executed at Washington, D. C., on July 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-6833; Filed, July 29, 1948; 8:54 a. m.]